

WORKS

OF

SIR WILLIAM JONES.

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BY

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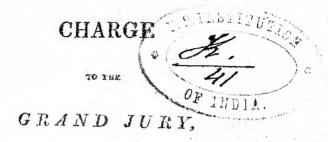
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AT CALCUTTA, DECEMBER 4, 1785.

GENTLEMEN OF THE GRAND JURY,

IT might perhaps be sufficient, if my address to you this day were confined to some short remarks on those offences, of which the prisoners named in the calendar are accused; but such is the particularity of my own situation, that I cannot help feeling an inclination to take a wider range. Six years have elapsed, since the seat, which I have now the honour to fill, became vacant; and, in that interval, so many important events have happened in *India*, and so many interesting debates have been held in the parliament of *Britain*, on the powers and objects of this judicature, that I may naturally be expected to touch at least, though not to enlarge,

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on those events, all of which I have attentively considered, and on the result of those debates, at most of which I was present. Such expectations, if such have been formed, I should be very loth to disappoint; and, as I shall express my sentiments without reserve, you will hear them, I am consident, with perfect candour.

None of you, I hope, will fuspect me of political zeal for any fet of ministers in England, with which vice my mind has never been infected; nor of political attachments here, which in my station it will ever behave me to disclaim, if, in the character of a magistrate appointed to preserve the public tranquillity, I congratulate you, who are affembled to inquire into all violations of it, on the happy prospect of a general peace in every part of the world, with which our country is connected. The certain fruits of this pacification will be the revival and extension of commerce in all the dependencies of Britain, the improvement of agriculture and manufactures, the encouragement of industry and civil virtues, by which her revenues will be restored, and her navy strengthened, her subjects enriched and herfelf exalted: but it is to India, that she looks for the most splendid as well as most substantial of those advantages; nor can she be disappointed, as long as the supreme executive and judicial

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CHARGE TO THE GRAND JURY.

powers shall concur in promoting the publick good, without danger of collision or diminution of each other's dignity; without impediment, on the one side, to the operations of government, or, on the other, to the due administration of justice.

The institution, gentlemen, of this court appears to have been misapprehended: it was not, I firmly believe, intended as a censure on any individuals, who exist, or have existed. Legislative provisions have not the individual for their object, but the species; and are not made for the convenience of the day, but for the regulation of ages. Whatever were the reasons for its first establishment, of which I may not be fo perfectly apprized, I will venture to affure you, that it has been continued for one obvious reason; that an extensive dominion, without a complete and independent judicature, would be a phenomenon, of which the history of the world affords no example. Justice must be administered with effect, or fociety cannot long fubfift. It is a truth coeval with human nature, and not peculiar to any age or country, that power in the hands of men will fometimes be abused, and ought always, if possible, to be restrained; but the restrictions of general laws imply no particular blame. How many precautions have from time to time been used to render judges and jurors impartial, and to place them above dependence! Yet none of us conceive ourselves disgraced by such precautions. The object then of the court, thus continued with ample powers, though wisely circumscribed in its jurisdiction, is plainly this: that, in every age, the British subjects resident in India be protected, yet governed, by British laws; and that the natives of these important provinces be indulged in their own prejudices, civil and religious, and suffered to enjoy their own customs unmolested; and why those great ends may not now be attained, consistently with the regular collection of the revenues and the supremacy of the executive government, I confess myself unable to discover.

Another thing has been, if not greatly misconceived, at least very impersectly understood; and no wonder, since it requires some professional habits to comprehend it fully: I mean the true character and office of judges appointed to administer those laws. The use of law, as a science, is to prevent mere discretionary power under the colour of equity; and it is the duty of a judge to pronounce his decisions, not simply according to his own opinion of justice and right, but according to prescribed rules. It must be hoped, that his own reason generally approves those rules; but it is the judgement of the law, not his own, which he delivers. Were judges

to decide by their bare opinions of right and wrong, opinions always unknown, often capricious, fometimes improperly biaffed, to what an arbitrary tribunal would men be fubject! In how dreadful a state of slavery would they live! Let us be satisfied, gentlemen, with law, which all, who please, may understand, and not call for equity in its popular sense, which differs in different men, and must at best be dark and uncertain.

The end of criminal law, a most important branch of the great juridical fystem, is to prevent crimes by punishment, so that the pain of it, as a fine writer expresses himself, may be inflicted on a few, but the dread of it extended to all. In the administration of penal justice, a fevere burden is removed from our minds by the affiftance of juries; and it is my ardent wish, that the court had the same relief in civil, especially commercial, causes; for the decision of which there cannot be a nobler tribunal than a jury of experienced men affifted by the learning of a judge. These are my sentiments; and I express them, not because they may be popular, but because I fincerely entertain them; for I aspire to no popularity, and seek no praise, but that which may be given to a strict and conscientious discharge of duty, without predilection

or prejudice of any kind, and with a fixed resolution to pronounce on all occasions what I conceive to be the law, than which no individual must suppose himself wifer.

The mention of my duty, gentlemen, leads me naturally to the particular subject of my charge, from which I have not, I hope, unreafonably deviated: but you are too well apprized of your duty to need very particular instructions; and happily no higher offences (except one larceny) appear in the calendar than fome criminal frauds and a few affaults: one of them, indeed, is stated as very atrocious, and, if you confider that the frequency of small crimes becomes a ferious evil in fociety, you will not think the more trivial complaints unworthy of your attention. Redress of wrongs must be given, or it will be taken; and the law wifely forbids the flightest attack upon the perfon of a subject, lest far worse mischief should enfue from the fudden ebullition of rage, or the flower, but more dangerous, operation of revenge.

Your powers, however, are not limited to this calendar, or even to the bills which may be preferred; for, whatever else shall come to your knowledge, it will be your part to present, and ours to hear attentively: thus, by a cordial concurrence in preferving the publick peace, and bringing fuch as violate it to punishment, we shall contribute, in our respective stations, to the security of this great settlement, and to the prosperity of these provinces, in which the dearest interests of our common parent and country, Great Britain, are now essentially involved.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, JUNE 10, 1785.

GENTLEMEN,

WHEN I first addressed a Grand Jury of Calcutta, too foon after my arrival in this country for any distinct idea to be formed of all its inhabitants, the small number of prisoners, which, to my infinite joy, appeared in the calendar, gave me an opportunity of speaking at large on the institution of this court, and the principles of criminal justice. It is my turn to address you at the opening of the present session; but I have not, unfortunately, the same reason to rejoice, nor the same excuse for expatiating on general topicks: I may, nevertheless, without the impropriety of detaining you too long, touch on one or two subjects, which I have much at heart, and on which I cannot but flatter myself with a hope of your concurrence.

If I may justly, as I do fincerely, conclude from my own observation at former sessions, that the Grand Juries of this capital will deserve the praise of intelligence and moderation, vigilance and humanity, I must be persuaded, that you, Gentlemen, have little need of instruction in the discharge of your important duty, and I considently leave with you the sew persons, who are, I see, imprisoned under accusations of petty crimes; nor is it either expedient or becoming to point at particular cases, of which I have no official knowledge.

One case, which has come regularly before me as a justice of the peace, concerning the death of a flave girl, whom her master had beaten, I think it my duty to mention more at large; leaving to you the determination on facts from a view of all the circumstances, and declaring only my opinion of the law. A master may legally correct his fervant with moderation, and with a view to his amendment; nor, if the fervant thus corrected should die by some misfortune unforeseen, and unlikely to happen, would the master be guilty of any crime; but if the correction be immoderate, excessive, unreasonable, cruel, the party may have, if he live, a reparation in damages; or, if he die, the master will be guilty of manslaughter or of murder, according to the circumstances; of manslaughter, if he gave the 10

fatal blow in a fudden burst of passion, after violent provocation, with a weapon not likely to kill; of murder, if he had full time for deliberation and coolness of blood; and that, whether he intended to destroy life, or only to chaftife immoderately; for the true fense of malice, to constitute this borrible crime, is MALIGNITY of heart, or a disposition to do mischief, which may be ascertained by comparing the fault with the correction; and the age and condition of the person stricken, with the force of the striker, and the danger of the instrument used by him. It is hardly needful to remark, that, in fuch cases, a servant and a slave, if such a relation be known to our modern law, stand precisely on the fame ground; as a lord, in feudal times, might indisputably have been convicted of murder for killing his villain or his neife.

In the present case, you will hear the witnesses on one side only; and it is recommended by great lawyers, lest enormous crimes should be smothered without a trial, that Grand Juries sind such bills, as their consciences oblige them to find at all, for the highest degree in the scale, that the evidence fairly supports, leaving it to the Petty Jury, under the direction of the Court, in questions of law, either to hold the prisoner guiltless, or to ascertain the precise measure of his guilt by their verdict; but you are not absolutely

bound to follow this practice: you are bound to find the whole truth, as nearly as you can; and if the evidence amount not, in your conscientious opinion, to murder, you may reject the bill for that crime, and find another for manflaughter; nor ought it ever to be forgotten, that the great rule which all should observe. from the petty juryman to the prince, is, to look on the crime and example with the eye of feverity, but on the criminal, as far as possible, with the eye of compassion; since it is the extremity of evil, fays lord Bacon, "When mercy has no commerce with mifery:" yet it must be added, that mercy is due to the publick also, who may be great sufferers, if crimes actually committed escape unpunished.

Another case, Gentlemen, calls for your serious attention: a forgery has been committed, either by the person accused before me, or by his accuser; which involves, not only the common guilt of that crime, an intent to destraud another, but also a design to affect his personal rights in the highest degree, and to abuse the process of this court by rendering it subservient to the purpose of imprisoning a man, who stood in the way of others; and this attempt was to be forwarded by the basest subservient to be forwarded by the basest subservient is a contest between two brothers for a large estate; both the accused and his accuser

are Bráhmans of some rank, and have been active in opposite interests; the low wretches, who forged the bond, have confessed their act, which was done, they fay, at the instigation of the accufed Brákman; who denies any knowledge of their persons, and infifts that his enemy must have engaged them to ruin him. Your fagacity may enable you to discover the truth; but even in this case, you must temper justice with lenity, nor fuffer yourselves to be influenced by the odiousness of the offence; and in all cases of forgery, permit me to recommend indictments for the misdemesnor only; since very strong arguments have been used, both at home and here, to prove that the rigour of our modern law in punishing that crime with death, cannot be legally extended to these provinces. I give no decided opinion yet on that point, nor on another, which may be started, whether, if the crime under confideration be a capital felony in India, an indictment will also lie as at common law, fince it has been held that a felony merges or absorbs a misdemesnor; but I am prepared to deliver my fentiments, and will deliver them fully; at a proper time.

I turn from these cases, with full considence both in your justice and your benevolence, to a subject which has greatly moved me, and on which the Grand Jury last summer presented a strong address to the Court: I mean the condition of prisoners for debt in the jail of Calcutta. It is much to be lamented that no method has yet been devised by Christian nations to keep defendants within the reach of justice, but that of confinement in a common prison, where bad habits are generally learned, and good ones generally discontinued; where a debtor, perhaps faultless, is with-holden from his occupations and from his family, whilft he remains miferable himself, and useless to the publick. I cannot help thinking, that a better mode might be adopted, with no confiderable expense to the ftate or to individuals, especially if the debtors be workmen or artificers; and imprisonment in this country, at this feafon, is to all a grievous calamity; to many in every feafon from religious notions of a defilement, that reaches beyond the funeral pile, worse than instant death: but, until the wisdom, goodness, and power of the legislature, shall cooperate for this end, we can only hope to mitigate an evil which we cannot prevent. You may be affured that no pains will be spared by us in promoting the object of the address which I have mentioned, that whatever can be legally done by the Court, will not be omitted; and that, where our authority is limited, we will apply to the executive government here, or, if necessary, to the fountain of all authority at home. It may, perhaps, be within your province to fee that affliction be not added to affliction, and that prisoners be not harassed by exorbitant demands: I would not intimate that any such are made by the present keeper of the jail, of whom I know no harm, and have heard a savourable character; but following the spirit of a benevolent statute, now, I believe, expired, I carnestly exhort you to inquire, whether any kind of extortion has been committed, or any fees exacted beyond the moderate provision of the law; that, if such enormity hath been practised, under the pretence of custom, the authors of it may be punished, and the sufferers by it relieved.

There is another fubject which has made a deep impression on my mind, and you will, I trust, accompany, if not anticipate, my remarks on it: I mean the mifery of domestick bondage. always afflicting enough in itself, and in this town often aggravated by the cruelty of masters. Permit me here to request, that you will not confider my observations on this head as relating to the death of the girl, for which O/borne is imprifoned; but his act, whatever may be the guilt of it, must not preclude me from discoursing on other acts of the fame nature, the confequences of which have not been fo dreadful. It is needless to expatiate on the law (if it be law) of private flavery; but I make no scruple to declare my own opinion, that absolute unconditional flavery, by which one human creature becomes the property of another, like a horse or an ox, is happily unknown to the laws of England, and that no human law could give it a just fanction: yet, though I hate the word, the continuance of it, properly explained, can produce little mifchief. I confider flaves as fervants under a contract, express or implied, and made either by themselves, or by such persons, as are authorized by nature or law, to contract for them, until they attain a due age to cancel or confirm any compact that may be difadvantageous to them: I have flaves, whom I refcued from death or misery, but consider them as other servants, and shall certainly tell them so, when they are old enough to comprehend the difference of the terms. Slaves, then, if so we must call them. ought not to be treated more feverely than fervants by the year or by the month; and the correction of them should ever be proportioned to their offence: that it should never be wanton or unjust, all must agree. Nevertheless, I am affured, from evidence, which, though not all judicially taken, has the strongest operation on my belief, that the condition of flaves within our jurisdiction is beyond imagination deplorable; and that cruelties are daily practifed on them, chiefly on those of the tenderest age and the weaker fex, which, if it would not give me

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pain to repeat, and you to hear, yet, for the honour of human nature, I should forbear to particularize: if I except the English from this censure, it is not through partial affection to my own countrymen, but because my information relates chiefly to people of other nations, who likewise call themselves Christians. Hardly a man or a woman exists in a corner of this populous town, who hath not at least one slave child, either purchased at a trifling price, or saved perhaps from a death, that might have been fortunate, for a life, that feldom fails of being miserable: many of you, I presume, have seen large boats filled with fuch children coming down the river for open fale at Calcutta; nor can you be ignorant, that most of them were stolen from their parents, or bought, perhaps, for a measure of rice in a time of scarcity, and that the fale itself is a defiance of this government, by violating one of its positive orders, which was made fome years ago, after a confultation of the most reputable Hindus in Calcutta, who condemned such a traffic, as repugnant to their Sástra. The number of small houses in which these victims are pent, makes it, indeed, very difficult for the fettlement at large to be apprized of their condition; and if the fufferers knew where or how to complain, their very complaints may expose them to still harsher treatment; to be tortured, if remanded, or, if fet at liberty, to starve. Be not, however, difcouraged by the difficulty of your inquiries: your vigilance cannot but furmount it; and one great example of a just punishment, not capital, will conduce more to the prevention of fimilar cruelties, than the strongest admonition or feverest verbal reproof. Should the slaveholders, through, hardness of heart or confidence in their places of concealment, perfift in their crimes, you will convince them, that their punishment will certainly follow their offence, and the most hardened of them will, no doubt, discontinue the contest. Here, again, I may fafely promife you, that, whatever the Court can do in terminating this evil, will cheerfully be done; and if our concurrent labour should yet be found ineffectual, I confidently perfuade myfelf, that fuch regulations of government will be adopted on our recommendation, as cannot fail of infuring future protection to the injured, fupport to the weak, and fome confolation at least to the wretched: but I once more adjure you to difmifs these observations from your mind, when you deliberate on the case of bomicide, to consider them as pointed folely at acts of cruelty, which make life miserable without causing the loss of it, and to find fuch bills as you cannot avoid finding, ac-VOL. V.

cording to the whole evidence before you, and to your opinion, after our directions, of the law refulting from it.

The last offence which I shall mention to you is so general, that it may affect every part of our proceedings in this Court, and fo atrocious, that human nature, in which a fense of religion seems inherent, starts at the name of it; I mean the wilful violation of solemn oaths, without the fanction of which, neither our fame, our properties, our freedom, or our lives can be long fecure. Nevertheless, I have many reasons to believe, and none to doubt, that affidavits of every imaginable fact may as eafily be procured in the ftreets and markets of Calcutta, especially from the natives, as any other article of traffick. need not exhort you in general to prefent perjured witnesses, and their suborners of every class or persuasion, but will detain you a few moments longer with a remark or two on fuch inhabitants of these provinces, as profess a belief in God, and in Mohammed, whom they call his prophet. All the learned lawyers of his religion, with whom I have conversed in different parts of India, have affured me with one voice, that an oath by a Musliman is not held binding on his conscience, unless it be taken in the express name of the Almighty, and that even then it is incomplete, unless the witness, after having

given his evidence, fwear again by the same awful name, that he has spoken nothing but the truth. Nor is this abstruce or refined learning, but generally known to Mohammedans of every degree, who are fully apprized, that an imprecation on themselves and their families, even with the Koran on their heads, is in fact no oath at all; and that, if, having fworn that they will speak truth, they still utter falsehoods, they can expiate their offence by certain religious aufterities; but that, if they forfwear themselves in regard to evidence already given, they cannot, except by the divine mercy, escape mifery in this world and in the next: it were to be wished, that the power of absolution, asfumed by the Romish priesthood, were at least equally limited. My inquiries into the Hindu laws have not yet enabled me to give perfect information on the subject of oaths by the believers in Brebma; but the first of their law-books, both in antiquity and authority, has been translated into Persian at my request; and thence I learn, that the mode of taking evidence from Hindus depends on the distinction of their casts, but that the punishment of false evidence extends rigorously to all, whether an oath be administered or not; and many Bráhmans, as well as other Hindus of rank, would rather perish than submit to the ceremony of touching the leaf of the Tulafi, and the

water of the Ganges, which their Sástras either do not mention at all, or confine to petty causes. It is ordained in the book of Menu, that a witness shall turn his face to the east or to the north; and, as this rule, whatever may have given rife to it, is very ancient, a revival of it may have no inconfiderable effect: according to the fame legislator, 'a Bráhman must be sworn by his ' credit, a Cshatri by his arms, a Vaisya by his grain, cattle and gold, and a Sudra by every ' crime that can be committed;' but the brevity of this text has made it obscure, and open to different interpretations. The fubject is, therefore, difficult for want of accurate information, which, it is hoped, may in due time be procured, and made as publick as possible. general I observe, that the Hindu writers have exalted ideas of criminal justice, and, in their figurative style, introduce the perfon of Punishment with great sublimity: 'Pun-'ishment,' fay they, 'with a black com-'plexion and a red eye, inspires terror, but ' alarms the guilty only; Punishment guards ' those who sleep, nourishes the people, secures the state from calamity, and produces the hap-' piest consequences in a country, where it is ' justly inflicted; where unjustly, the magistrate ' cannot escape censure, nor the nation, adversity.' Be it our care, Gentlemen, to avoid by all

means the flightest imputation of injustice among those, whom it is the lot of Britain to rule; and, by giving them personal security, with every reasonable indulgence to their harmless prejudices, to conciliate their affection, while we promote their industry, so as to render our domicn over them a national benefit: and may our beloved country in all its dependencies enjoy the greatest of national blessings, good laws duly administered in settled peace! for neither can the best laws avail without a due administration of them, nor could they be dispensed with effect, if the fears and passions of men were engaged by the vicissitudes of war, or the agitation of civil discontents.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, JUNE 10, 1787.

GENTLEMEN OF THE GRAND JURY,

I SHOULD exceed the bounds of my duty, and detain you too long from the discharge of yours, if I were to expatiate on the great variety of business, in which your diligent exertions at the present session may be highly beneficial to the settlement; and, indeed, whilst I hold in my hand this terrible catalogue of grievous offences, which must come under your consideration, I have ample materials for my address to you, without enlarging on such cases, as may probably be brought before you, but have not yet been made the subject of complaint before a magistrate.

The first crime, which appears in the calendar, and of which three persons are now accused, (the same number having been indicted last sef-

fion) is the most atrocious, that man, as a rational creature and a member of civil fociety, can commit, Murder; but I will spare your feelings as well as my own the pain of dwelling on one of the cases, which you will hear but too foon; a case, so horrible, that, if it be true, scarce any punishment of the offender would be too fevere, and, if false, the perjured accusers deserve the utmost severity of our law; which, in regard to perjuries affecting life, is, in my opinion, too lenient. Another foul murder has been committed near Patna, with every aggravation of the crime both in the motive and the manner of it: but there is no direct evidence against the fupposed murderer. The woman, who will repeat her fad ftory to you, actually faw her hufband, a native peafant, stabbed by one foldier, while two held him; (and how highly it imports the honour of our government, that the natives be protected from the outrages of our foldiery, must be obvious to all) but the night was too dark for her to distinguish their faces. Circumstances only have induced a fuspicion, that LA COSSE was the perpetrator of the crime; and they, it is true, may be fallacious; but, when many circumftances concur, they fometimes amount to proof at least as strong as the testimony of witnesses: that the prisoner escaped from the guard, who were bringing him to the prefidency, he

excused, on his examination, by alledging a natural love of liberty, which, he urged, was perfectly confistent with innocence; but, unless you believe him innocent, it seems the province of a petit jury to determine, whether all the concurrent circumstances indubitably prove him guilty. I proceed to offences far less dreadful in themselves, but almost equally deferving of your ferious attention; for if any thing ought particularly to affect our minds, and make us all extremely circumspect in our passage through life, it is the alarming consideration, that not only the more violent emotions of anger and hate, but even unguarded and idle words, have a tendency toward bloodshed, and not unfrequently end in it. If this be the case with men of understanding and education, what must be expected from the uncontrolled paffions, unimproved intellects, and habitual vices of the low multitude? For this reason principally I never think lightly of the petty complaints, as they are called, which are brought before me: I know, that wrath and malice will have a vent; that they are better spent in a court of justice than in black and filent revenge; and that, if fuch ferpents be not crushed in the egg, there can be no fecurity against the mortal effects of their venom. You will attend, therefore, I am confident, even to common affaults; (for I need

not mention fuch as were made with any criminal defign) and confider no breach of the peace as trivial, the consequence of which may, possibly at least, be the shedding of human blood. This reasoning leads me to a subject of the highest importance to every community; and particularly (for many weighty reasons) to the inhabirants of this populous town: I mean those offences against good morals and good order. which spring from the dissolute manners of the populace, and branch out into all the diforders and evils, that can affect the comfort of focial beings. Excessive luxury, with which the Afiatick are too indifcriminately reproached in Europe, exists indeed in our settlements, but not where it is usually supposed; not in the higher, but in the lowest, condition of men; in our fervants, in the common feamen frequenting our port, in the petty workmen and shopkeepers of our streets and markets: there live the men. who, to use the phrase of an old statute, sleep by day and wake at night for the purposes of gaming, debauchery, and intoxication. The inebriating liquors, which are extracted from common trees, and the stupifying drugs, which are eafily procured from the fields and thickets, afford so cheap a gratification, that the lowest of mankind purchase openly, with a small part of

their daily gains, enough of both to incapacitate them by degrees for any thing that is good, and render them capable of any thing that is evil; and excess in swallowing these poisons is so general, that, if the state had really been lighted up at the higher extremity, as it certainly is at the lower, it must inevitably have been confumed. The mischiefs, which this depravity occasions, it is needless to enumerate; but, until some ordinance can be framed, which shall be just in itself and conformable to the spirit of our laws (both which qualities ought to characterize every regulation in the British empire) the publick has no hope of fecurity, gentlemen, but from your vigilance. Diforderly houses, and places of refort for drinking and gaming, are indictable as publick nuisances; and, though it would be the work of many fessions to eradicate the evil, yet a few examples of just punishment would have a falutary effect. You are too sensible, I am sure, of the advantages arising from a trial by jury in criminal cases, to wish for a power any hands of fummary conviction, which the legislature has not yet given, and which it always gives with reluctance; and I perfuade myfelf, that the gentlemen of this fettlement are too publick-spirited to decline the trouble, which may attend the execution of any useful law,

whether it be necessary to prosecute offenders by indictment, or to levy small penalties by action in the Court of Requests.

Since I have mentioned gaming, I must add, that it is a vice produced by laziness and avarice, and leading to diffrefs, which aggravates, inflead of palliating, the offences frequently committed in confequence of it. The most common of those offences, among the lowest of the people, are theft and robbery; and, if it be true, as it was fworn before me, though not by a man who feemed worthy of much credit, that even the watchhouses in this town are the haunts of unreftrained and encouraged gamesters, we can expect little benefit from watchmen who thus difcharge their important duties. In fact if we had a well ordered watch and ward in Calcutta (and that we have not, is become a constant subject of animadversion among the natives of higher rank) we should not have heard of robberies committed by ruffians masked and armed, such as a few months ago attacked a Greek merchant in his house, without ever being apprehended: nor of the burglaries committed by abandoned vagabonds and night-walkers, who pass through the usual stages of profligacy, from idleness and vice to poverty, and from poverty to a resolution of invading the property of the honest; after which, if they are unpunished, they proceed from crime to crime till they close their career in blood.

Having spoken of the little credit, which I gave to the oath of a low native, I cannot refrain from touching upon the frequency of perjury; which feems to be committed by the meanest and encouraged by some of the better fort, among the Hindus and Muselmans, with as little remorfe as if it were a proof of ingenuity, or even a merit, instead of being, by their own express laws, as grievous a crime as man is capable of committing. I cannot name this offence without emotion; for (befides its natural enormity) it renders the discharge of our publick duty both difficult and painful in the highest degree: it is not in causes, where Hindus or Muselmans give evidence, that a fact is proved, because it is fworn, and we are compelled to take a greater latitude in judging by probability and a comparison of circumstances, than the strictness of English judicature in general allows. With respect to the Muselmans, we can establish no stronger fanction than the oath now administered; but, as to the Hindus, I cannot relinquish my opinion, that the most solemn possible form ought to be adopted, either by ordering all the witnesses, who are to give evidence, to be previously fworn by the Brahman, our officer, in one of their own temples, or by swearing them in court before confecrated fire brought from some altar of acknowledged holinefs. The charter requires the most binding form, and we know from our own Brahman, that the present form is not the most binding; fo that a doubt might be raifed even on the legality of an indictment for violating an oath fo taken. Until fome change can be made (and change even from wrong to right has always its inconvenience) we must not forget to remind all Hindu witnesses from time to time, that false evidence even by their own Shastra's, is the most heinous of crimes, and to adjure them by the name of GOD, (as a learned Brábman at Nediya affured me we were empowered to do, without shocking their prejudices) to speak the whole truth and nothing but the truth: but fuch, after all, is the corrupt state even of their erroneous religion, that, if the most binding form on the consciences of good men could be known and established, there would be few consciences to be bound by it; and, without exemplary punishments of actual perjury, fubornation of it, and attempts to fuborn, we shall never be able to administer justice among them with complete satisfaction. It has been urged, with specious good nature, "that punishments lose their effect by a " frequent infliction of them; that pain becomes " familiar to the evil hearted; that every villain "indulges a hope of fuffering in company; and 30

"that it is dangerous for the community to " know, how few honest men are among them:" but this is the language rather of benevolent speculation, than of attentive observation and experience; for, as long as men exist in a state, who, without fearing GOD, fear the law, and without horror of a crime, tremble at the thought of punishment, fo long it is necessary, that all crimes clearly proved be certainly and strictly punished; while few, it must be hoped, will suffer, and all will be warned. Could any thing induce me to wish, that you, gentlemen, were detained here from your other business longer than a week, it would be a defire of bringing to immediate pain and difgrace, such witnesses as may perjure themselves during the remainder of the fession.

That you fit only twice a year is also (if you will allow me to speak openly) an evil which I frequently lament; since the necessity of keeping accused persons within the reach of justice obliges us to confine in prison those who are charged with offences not bailable, or who are unable to find sufficient bail; so that, if a charge is made soon after the end of your sitting, the accused must remain six months in custody; although it may afterwards be proved, that the accusation was suggested by malice and supported by perjury. Such cases, we must hope, very seldom

occur; but so long an imprisonment, before conviction or even indictment, is not conformable to the benignity of our law: and permit me to request, that if any complaints be made to you of exactions or cruelty in the jailor and his servants, or of their loading prisoners with irons, except where there is imminent danger of an escape, especially if it be done with a view to extort money, you will pay a serious attention to the evidence adduced; so that our nation may never be justly reproached for inhumanity; nor the severest of missortunes, loss of liberty, be heightened under our government by any additional hardship without redress.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, DEC. 4, 1788.

GENTLEMEN,

If the unremitted vigilance of magistrates, the diligent attention of jurors, the approved excellence of our criminal laws, and the due infliction of adequate punishments, could prevent the commission of crimes in this great and increasing capital, I should not hold in my hand so long a catalogue of terrible offences, which are believed to have been committed within the last fix months by persons under our jurisdiction; offences, which comprize nearly all, that can be committed against the publick justice, tranquillity, convenience, and trade, or against the persons, bouses and property of individuals, in protecting which the publick is essentially interested. To discourse at large on each of those heads, as they occur to

me on inspecting the calendar, would certainly be superfluous; but it would ill become me to país them over in silence; for the principles of our criminal jurisprudence, and the cases, in which they are applied, may not be fresh in your memories; and it cannot be reasonably expected, that you should study, as lawyers, the reports and treatifes, however excellent, of KELYNG and HALE, FOSTER and BLACK-STONE, or the voluminous works, however accurate, of modern compilers: I will take, therefore, a middle course, and confine myself to short observations on those crimes only, of which the prisoners are specifically accused, so as to affift your recollection, and guide your judgement in finding or rejecting the feveral bills, that will, I know, be prefented to you.

It gives me, in the first place, inexpressible pain, to see no sewer than four persons charged with so abominable an offence as corrupt persury, or the subornation of it; and one of them, I observe with horror, is an Armenian by birth, and, in name, at least, a Christian: now, if all laws, human and divine, if all religions, the many salse and the one true, be thus openly defied, we must abandon all hope of administering justice persectly; and, as much as I blame severe corporal punishments, especially those which mutilate the offender's body, I must recommend a

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degree of feverity, if the wickedness of man cannot be otherwise restrained. The cruel mutilations, practifed by the native powers, are not only shocking to humanity, but wholly inconfistent with the mildness of our system; nor do they conduce even to the end proposed by them; fince it is the certainty, not the cruelty, of punishment, that can operate on the fears of those, who fear nothing elfe: the old Hindu courts, from a fanciful notion of punishing the offending part, and depriving it of power to offend any more, would have cut out the tongue of a perjured man and amputated the band of a thief or a forger; while the Mohammedan punishments, inflicted at this day in the Afiatick dominions of Britain, are not less horrid, but have less appearance of reason. Happily we can see no fuch horrors in Calcutta; but, as our house of correction, either through neglect or through want of laborious employment, would, I fear, be a house of laziness, as transportation is out of the question, and as the pillory alone would hardly be thought shameful to those, who have no sense of shame, it will be advisable to indict perjured men on the statute of ELIZABETH; since, befides imprisonment for fix months, it inflicts, on default of paying a considerable fine, the punishment of having both ears nailed to the pillory, which, though painful at the time and perpetually ignominious, neither cruelly mangles the human frame, nor deprives the offender, should he repent and be industrious, of gaining a subsistence by honest labour. Such indictments will be the less exceptionable, because, if any case should happen to be out of the statute, there may be a conviction, I presume, and consequently a fentence, as at common law.

Whatever be the cause, I cannot but believe, fince it has been fworn before me by an Englishman, who demanded fecurity for the peace, that there are streets in this populous town, and one especially near the Faujdar's house, through which it is extremely perilous for quiet men to pass after sunset: they are inhabited, I am told, by low European tavern-keepers of all nations, and one of them, STEFANO an Italian, will be accused before you of a violent assault in his own tavern, of which the probable confequence might have been the death of an unoffending man. By the common law, which is always clearer and generally wifer than any flatute, the keepers of taverns, who permit frequent diforders in them, or harbour persons of bad repute, may be indicted and fined as for a common nuifance, and open gaming-houses are equally offensive in the eye of law, as the haunts of profligate miscreants and a temptation to pernicious vices; yet both are now so numerous, that a peaceable native can

hardly fleep without diffurbance from brawls or affrays, and dread of nocturnal robberies. Venerable fathers of families have lately complained to me with extreme anguish, that their son's had been ruined in those seminaries of wickedness; yet so relaxed are the principles even of the richer natives, that actions have been brought by an opulent Hindu for money advanced folely to fupport a common gaming-house, in the profits of which he had a confiderable share; and the transaction was avowed by him with as much confidence, as if it had been perfectly justifiable by our laws and by his own. From whatever cause those disorders proceed, whether from illicit gains accruing to unauthorized licencers and protectors, or from wilful negligence in the low fervants of those, who are intrusted with the office of high constables, they are destructive of individuals, injurious to the publick, and deferving of your ferious inveftigation.

Cheats, of which two or three appear next in the calendar, are usually reckoned offences against publick trade: to this head are also referred those deceitful practices and artful contrivances, by which even a wary individual may be defrauded of his money or goods; but you will consider some kind of artifice or device as effectial to the criminality of a fraud; since a mere palpable falsehood, which no man of ordinary understanding would implicitly believe, and an imposition by means of it, which any man of ordinary prudence would have avoided, feems no crime against the publick, who cannot feel themselves injured, because a fool happens to fuffer by his folly. There is an offence, which most seriously affects the trade of the community, and which the common law punished for that reason with fine and imprisonment; I mean that of buying the whole of any commodity with a design to raise the price of it at the pleasure of the buyer; fince, if that were allowed, the price of commodities would entirely depend on the difcretion of one or two wealthy individuals: it appears from an ancient record, that so base a design is equally punishable, whether any of the commodity engroffed be actually refold, or not; and a combination of feveral rich men with fo bad a view would, I doubt not, be held a misdemesnor injurious to publick trade. Reason applies this principle to the engrossing of rice and other grain; but good policy forbids the application of it in practice, especially in these Indian provinces; for if, in the time of a mere dearth, fuch engroffers were punished and their hoards diffipated, no reffource would ordinarily be left against future calamity, and a fecond bad feafon might cause all the horrors of a

famine: but coined filver is a commodity of a less delicate nature; and, though the actual quantity of it in Calcutta may have been reduced by various causes, yet there is just ground for a fuspicion, that the artifices of several combined and wealthy Sarrafs, or money-changers, have raised the discount, on the exchange of gold mobys for filver, to so enormous a degree as to affect all commercial transactions in Bengal. Now, though it be difficult to give positive proof of fuch intentions and combinations, yet, if legal evidence of them be fairly obtained, the dread of imprisonment would operate more forcibly on the monied natives, especially the Hindus, than the fear of a pecuniary mulct or of publick cenfure.

On the rules of law concerning homicide, we have unhappily had frequent occasions to deliver our concurrent opinions; but, a fatal error feeming still to prevail, that an actual intention to kill is essential to the crime of murder, I will recapitulate in few words the doctrine, on which I formerly enlarged. When you have certain evidence, that the person, who is said to have been killed, is really dead (for that sact should in the first place be incontrovertibly proved) you will consider, whether any act of the person accused was either the cause, or the occasion, of the death; next, whether it was a lawful, or an un-

lawful, act, and, if legal in itself, whether it was reasonable and moderate, or violent and cruel; if illegal, whether it was done in a fudden burst of passion and with a weapon unlikely to destroy life, or coolly and with apparent malignity of difposition; for, in that case, if death ensue by an act, of which it might, though not actually intended, be the probable consequence, the offence will certainly be murder; the effence of which is not merely a design to kill, but a depraved and malignant heart evinced by the coolness of the deed, or the danger of the inftrument used, or any other circumstances, by which malice may plainly appear: you will too foon be called upon to apply these principles in a variety of cases; and it furely imports our honour as a great na-: tion, and becomes our character as just men, that whoever deprives another of life should be openly tried, and either acquitted or condemned by those laws, from which he would have fought protection, if he had himself been injured.

Several natives have been committed for burglarious entries accompanied, in most instances, with actual thest; and, since the petit jury may in those cases convict of the larciny alone, if the proof of a burglarious act be deficient or doubtful, it will be right, as in cases of homicide, to find your bills for the capital felony, when the evidence before you shall fairly support the charge; but on simple burglary, that is, when the felonious intent has not been executed. I must offer a few fhort observations. There are five ingredients in this offence, according to the five parts of its well-known definition, and relating to the: circumstances of time, place, breaking, entry, and intent of the time must be night; the place, a dwelling-house, or parcel of it; the breaking, either with some degree of force, or by special implication; the entry, with part of the body at least, or with an infirument used by it; and the intent, to commit a felony. In respect of time and intent the law is very strict; rather less ftrict as to the place; and fill lefs, it should seem, as to the breaking and entry : now, in the case of HERI and SANCAR (whose crime, if they really be guilty, was highly aggravated by the gross violation of their duty as publick watchmen) you will probably have no doubt in regard to the time and place, and very little as to their intent, if you believe that they had rubbed their faces and bodies with white powder to look like Europeans; but, as to the breaking and entry, there are some doubts, which nothing but full evidence can remove. They were caught, it has been fworn, on the terrace of a

detached house inhabited by a Hindu, and built in the fashion of Bengal; and it is now believed, that they began with climbing into a fmall room, or recess, communicating with a private apartment, and used for the purposes of a water-closet in a London-house, but enclosed; by a breaftwork of bricks, and open at the top, the nature of the place in this climate not admitting, without extreme inconvenience and even danger to the family, of fuch a covering as would exclude fresh air: the cornice over the door of the apartment was broken, together with part of the wall, either by accident in laying hold of it, or by design to facilitate the ascent on the terrace, which was itself enclosed by a balustrade. Although a terrace on a housetop, in the warm regions of Asia, has been immemorially confidered as an apartment of the house both for conversation in the evening and for flumber at night; although, like a varanda furrounded by rails or parapets, it is as much enclosed as the nature and design of it will allow; and although a nocturnal invasion either of a terrace or a varanda, in a country where doors and windows must be left open night and day, would occafion terror and generally be punished with instant death, if the affailed were better armed than the affailant; yet, in favour of life, it may forcibly

be urged, that the penal law of England ought not to be extended, by mere argument and analogy, to varandas and terraces; but whether the place, which has been described, was actually a room in the house, and whether the prisoners broke and entered it with a felonious intent, will best be determined by the petit jury; while the court will consider, whether an entry by night into fuch a place and with fuch a defign be not as burglarious in the eye of our law as a mere defeent by a chimney in England. As to the defence of the two watchmen, that they were only discharging their duty, instead of violating it, the law will never fuffer itself to be insulted by such pretences; and, if it be proved, that VISHNU-RAM, (who attempted by the authority of the Company's badge to procure the release of his fon-in-law and the affociate, and even gave reafon by his menaces to believe, that he meant to rescue them), knew of the felonious design, you will consider him as an accessory after the fact; or, as a principal in it, if he was constructively present by keeping guard near the house, while they broke and entered it. On this occasion I impute no blame to the two gentlemen, who act as high constables in Calcutta, except that they do not feem to have taken, as they certainly fhould have done, from the low natives, whom they employ, fufficient fecurity for their good behaviour and for the faithful discharge of their duty.

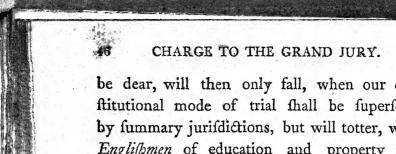
The Armenian, whom I mentioned under the head of perjury, being also charged with having forged the bond, to the due execution of which he positively swore after strong and repeated warnings by an interpreter of his own nation, the great question again rises, "Whether the mo-"dern statute, which makes forgery capital, ex-" tend, or not, to these Indian territories." On the fullest consideration, I think the negative supported by stronger reasons than the affirmative: the statute in question seems to have been made on the spur of the time; its principal object was to support the paper-credit of England. which had just before been affected by forgeries of bank-notes; and it contains expressions, which feem to indicate a local operation; the punishment, which it inflicts, goes beyond the law of nature, and the British laws appear to have been introduced into India by a charter preceding the statute, so far at least as to bring this country within the general rule. Nevertheless, I still think the question debatable: I see it, as I lately told the fenior judge, who agrees with me, rather with the light of the rifing, than with that of the meridian, fun; and the learned argument of

the judge, who differs from us, has rendered the point fufficiently doubtful, to make me wish for a decision of it by the highest authority at the fountain-head of justice; yet the reasons urged on the opposite side so far turn the scale, as to justify me in recommending an indicament on the statute of ELIZABETH, especially as a conviction on the modern statute would not at prefent be followed by execution; and if the person convicted should submit to a long imprisonment rather than exercise the power, which would be given him, of appealing to the king in council, it might end in his escaping any punishment, or in his being punished capitally at fo distant a time, that the offence might be forgotten by the publick, and the great object of all penal statutes wholly fruftratedo em los comos su or viscos es como en c

Whenever it shall be my turn to address you, gentlemen, I will never desist from recommending to your serious attention the state of the gaol; the condition of the prisoners; the conduct of the gaoler and his servants. The facility of escaping from it has, I presume, since your memorial to the government on that subject, been wholly or nearly removed; but, even if the construction of the prison should render escapes easy, that would be a reason for the

sheriff and his officers to increase their vigilance in proportion to its necessity, instead of abating their diligence by violating positive law: now I hold it a violation of positive law to hamper any prisoners with irons before conviction, unless they behave in an unruly manner, or by some attempt or overt act induce a just suspicion of their intention to escape; nor ought any discretionary power to be left to such persons, as must have the care of gaols, who are always men without education, and might easily be tempted to set a price on light fetters, or on a total exemption from them.

I conclude with observing, that, as three or four magistrates cannot possibly secure the peace of this important capital, so it is morally impossible, that all the petty offences committed in it from day to day can be legally and speedily punished, with due terror to other offenders, while two sessions only are holden in each year; and with expressing my firm persuasion, that, if any legislative provision should increase your trouble as grand jury-men, and that of the gentlemen, who serve on petit juries, you will all remember, that a degree of trouble is the price, which we pay for our common liberty; and that our common liberty, for which no price would



be dear, will then only fall, when our conflitutional mode of trial shall be superseded by summary jurisdictions, but will totter, when Englishmen of education and property shall cease, through their love of ease, to show by their personal exertions a warm alacrity for the support of it.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, JUNE 10, 1790.

GENTLEMEN,

I CANNOT have the pleasure, which I expected, of informing you, that few prisoners are named in the calendar: fewer, indeed, appear in it, than we have lately seen at our sessions; and among the offences with which they are charged, I perceive none, that seem to call for particular notice; none, that can here prove capital, except a case or two of selonious homicide and three or four of burglarious entries, on which I shall incidentally touch; and there certainly are none, on the nature and degrees of which you have not, on former occasions, received ample instruction from charges delivered by my brethren or by myself. It might therefore seem, that no materials occur for a charge at the

opening of the prefent fession, and that it might be fufficient to dismiss you, with declaring my perfect confidence in your vigilant attention to the whole extent of your duty; but, fince it has been usual to detain you a short time with the formal discourse. I take this opportunity of doing that, which has not, I believe, been any where done in any discourse either spoken or written, and which you will find, I am perfuaded, neither useless nor unacceptable: having no diflike to novelty, when utility accompanies it, I propose to give you a concise, but, as far as I amable, a perspicuous, comment on the general form of the Oath, which you have taken, and on every material word, which occurs in it; nor will you imagine, that it is too clear to need illustration, when I assure you, that I did not myfelf understand it entirely, till I had very attentively read and very fully confidered it; and that parts of it have appeared ambiguous to grand juries themselves, I know from the questions which have occasionally been put by them to the court, and often privately to me by some of them, who were my intimate friends. You will not hear from me any common topicks on the fanction of oaths, which to men of education and principle would be needless and unbecoming; nor any display of antiquarian literature, which would here be idly oftentatious; nor

any fubtil and abstruce doctrines, which my fubject will by no means require; nor any exhortation to the conscientious discharge of your office, which would, I know, be fuperfluous: it has truly, indeed, been faid, that "He, who " admonishes another to do that which the other " actually does, rather commends than exhorts, " and only conveys applause in the form of an "admonition;" but I wish to avoid addressing you personally: I shall speak to you as to a grand inquest in the abstract, and offer such rules as may be applied to practice by all, who shall at any time ferve their country in the character, which you now fustain. It is not as a cafuift, a metaphyfician, or an antiquary, but as a lawyer merely, that I shall explain the true sense of your oath, at least as I understand it; and I begin with a ruling principle, univerfally admitted, which you may confider as a key to the whole form, and which to some parts of it will be clearly and forcibly applied.

The intention of that power, which imposes an oath, is the sole interpreter of its meaning, the guide of those, who take it, and the measure of their duty. Now, since your oath is imposed by the law, the intent of the law must be the pole-star, by which you are to direct your course. Your obligation in conscience depends, it is true, on your sincere opinion of that intent;

but, fince the intention of the law is frequently so deep as to elude a superficial view, you are bound in conscience to examine it minutely, and to feek affistance from those, whose office it is to discover and to declare it. From the imperfection of all human things, it is not always poffible to avoid ambiguity of language; and the intention of the law may fometimes be larger, fometimes narrower, than the verbal expression. Of an intention more extensive than the words I will give you one strong example: we take a prescribed oath, as judges, that "we will to the " best of our knowledge, skill, and judgment, " duly and justly execute our offices, and impar-" tially administer justice in every cause, matter, " or thing, which shall come before us." act duly, justly, and impartially seems no more than what is required of Arbitrators, and might be thought confistent with judgments given according to our own opinions of what is just and right, or, in other words, according to our honest discretion; the very mode of judging, which, from a wife distrust of human integrity, it is the chief use of established law to preclude; and, fince the conftitutional, or publick, law, of which we know the intent, was the imposer of our oath, we interpret it conformably to that intent, and hold ourselves bound, on questions of fact, to give true judgments according to the evidence, and, on questions merely legal, to decide according to law; even though, as men, we may in particular cases think the law too austere or too narrow, and may wish it changed by the only power that can change it; for we are to declare the law, not to make it. That the intent may not be less extensive than the popular sense of the words used, we shall see in your oath, when we come to the application of this introductory maxim.

Your oath, as you may have observed, is a fingle period confifting of four members or divisions; and it is a period correctly so called, or in the form, as it were, of a circle; the awful phrase at the conclusion being manifestly connected in fense with the beginning of it: "So " may GOD help you, as you shall duly perform "the promifes, which you call on him to attest, " and which are diffinctly enumerated." The phrase, which makes the whole period conditional (for it is not imperative, as the first words of each division might seem to imply) is placed at the end, for the purpose of your kissing the gospel, as foon as the name of GOD has been pronounced, and thus making the whole oath your own, though it has only been read to you by the officer. I called it an awful phrase, because, though in form it invokes the fupreme being as a defender, yet by implication it addresses Him as an avenger; and, though it openly expresses

a benediction, yet it virtually implies an imprecation; the expression could not be full, without raising too violent and too painful an image; and filence, on this occasion as on many others, is more fublime than the strongest eloquence. The period thus connected has this apparent meaning: " May the divine aid be granted to " you, if the promises now made be performed; " and withdrawn, if they be violated!" than which a fublimer idea could not enter the mind of man; fince it is a clear deduction of reason, that the bare suspension of the divine energy but for a moment would cause the instantaneous disfolution of all worlds. and the tumultuous extinction of all, who inhabit them. You will readily believe, that I disclaim all idea even of the possibility, that you should knowingly violate fuch promises; but (lest any part of my subject should pass unnoticed) it is proper to observe, that a distinction has been taken in the secular or external forum, which the internal, or that of conscience, could never have made, between an oath, which is affertive, and relates to some fact, past or present, and an oath, which is promissory, and relates to some future act. A narrowness, perhaps, in the old definition of perjury gave rise to the opinion, that it can only be committed in a legal fense by a false denial or by a false affertion; but it must surely

appear strange, that, when half the business of our civil courts confifts in enforcing the performance of promifes or giving damages for the breach of them, our criminal courts should think it less than perjury to violate in any case, either by word or deed, a promise confirmed by the strongest and holiest of sanctions: reason surely dictates, that perjury may be committed both in the act of swearing by a false affertion, and after the act by wilfully violating in any respect an oath previously taken; and the consciences of men ought not to be enfoared by fubtil diffinc-. tions without any substantial difference. On this point, however, I need not infift; and I only mentioned it, because it applies to the principal verbs in the four divisions of your oath, on which I now proceed to enlarge.

The first condition is, that "you shall dili"gently inquire, and make true presentment, of
"all such matters and things, as shall here be
"given you in charge, or otherwise come to
"your knowledge touching this present service."

Inquiry, or search and examination, is a word
completely understood in its popular sense; but
it is here used with technical propriety, since
you are called inquirors by some old writers, and
the grand inquest by many of the moderns; and
in this sentence the use of it is the more proper,
because it not only comprehends the examina-

tion of witnesses ca bills presented to you by third persons, but also the investigation of those matters, which may have attracted your notice without the intervention of prosecutors, and which you may yourselves present to the court, after bills have been prepared at your request. With a similar design of including both modes, the word presentment (as the result of your inquiry) immediately follows; since that word, which is very comprehensive, extends to indictments by private individuals in the name of the king, and to those, which are commonly distinguished as presentments by the grand jury.

What the law understands by true, we shall presently see, when we come to the fourth and last member of the period; but it is of great importance to explain the legal meaning of diligence; and I am clearly of opinion, that it means in your case, the same degree of care and industry, that each of you would severally apply to his own temporal affairs, or all of you collectively to fuch worldly interests as might jointly concern you. I assume with confidence, that all subjects of the same dominion are engaged to one another by an implied contract; a principle equally clear and useful, and leading to conclusions of the highest moment in morality and politicks. Some writers on ethicks, who have been taught, that popular principles are not the way

to preferment, deny it; and, after deriding the notion of a contract without a name, challenge us to produce a well-known forenfick name for the focial contract; but not to urge, that many valid and useful contracts are innominate, the very name, which they call for, is comprized in the epithet, which they use: it is the contract of society or partnership, differing only in extent, but not in kind, from the civil and private affociation univerfally known and practifed. Now, fince a partner both receives and confers a benefit, such diligence is required of Him, as he would use in his own concerns, and the same diligence is demanded of you for a fimilar reafon; not less, because you are benefited by the laws of your country, under which you act, and natural equity prescribes, that every benefit should have an adequate return; not more, because, at the same time, you confer a benefit, and natural equity forbids, that a benefit should be burdensome to those who confer it. Our law, which approximates to the perfection of reason, imposes no burden, that is unreasonable; and, if any of you doubt in particular cases (as some in your situation have naturally doubted) what ought to be the measure of your care and attendance, you need only ask your own hearts, what degree

of them are due to your private affairs of importance.

Next come the subjects of your inquiry and presentments under two heads; first, such as may be given you in charge; and, fecondly, fuch as may come to your knowledge independently of the charge, but relating to the present business, that is, to the legal redress of all publick wrongs, or the administration of criminal justice. times it was usual, for all the articles of inquiry to be read at some length as part of the charge, after a general exhortation by the judge; and, if that mode had continued, the latter part of this division, as included in the former, would have been fuperfluous; whence we may infer, that the present form of your oath is not of the highest antiquity, though the following member of it be certainly very ancient, and the substance of the whole may be traced back to the time of the Saxon princes.

Of the fecond condition, that you shall keep fecret the king's counsel, your own, and that of your sellows, the meaning might have been expressed with more perspicuity. To declare at an improper time, and in an unsit place, what persons have been indicted, might give traitors, conspirators, and other great offenders an opportunity of absconding, before they could be apprehended,

or impel them perhaps to strike some desperate blow; and fuch a premature disclosure might defeat the purposes of the law. It appears from the book of Affises, that in the reign of EDWARD the Third a grand juror was indicted as a felon for fuch a discovery, but, as he was acquitted, the law remained undecided; and, though justice Shardelow declared, that in the opinion of some judges, a discovery by an indictor might be treason (meaning, I presume, where a traitor had been indicted, and the grand juror intended to facilitate his escape) yet the wisest judges in latter times have exploded and refuted the doctrine in GEORGE's case, and hold such a discovery to be merely a great misprision accompanied with the guilt of perjury. The counsel or purpose of the king is formally comprised in every profecution: it becomes in part your counfel, when you have unanimously concurred in finding the bill; and, when it has been found by a majority of your whole number, it is their counsel, which the diffentient must not disclose; for a grand juror, therefore, to reveal either his own acts and opinions, or those of his fellows, might have an effect equally dangerous; and, though the generality of your promise might, if its principal scope only were considered, be restrained to particular cases, yet it is the safer way

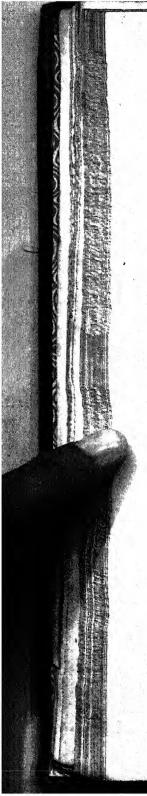
in all cases, to maintain an impenetrable reserve on all business begun or concluded, that is, on the form of the indictment, the evidence in support of it, and the fact of its being found or rejected; except when you bring in your bills or have occasion to consult the court.

Thirdly, you implore the divine help on condition, that you present no person from batred, malice, or ill will, nor leave any thing unpresented from fear, favour, or affection. These words are a paraphrase on a stronger and more elegant form preserved in the law of ETHELRED, by which the grand inquest were compelled to fwear, that they would accuse none, whom they believed innocent, nor conceal any, whom they thought guilty. To be free from partial affections and preconceived opinions, from refentment and from regard, from all prepoffessions that might incline you to reject bills, or to find them true, is a duty common to all who are concerned in the administration of justice; and though different motives are enumerated by way of example, yet the plain intent of the whole sentence is, that, from no motive whatfoever, neither from the darker passions of envy or wrath, nor from the amiable affections of compassion and benignity, shall you bring the guiltless into trouble, nor fereen probable guilt from a full and impartial

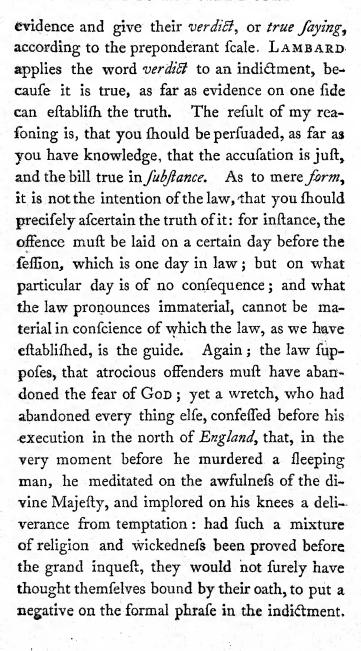
trial. You will remember and emulate on this occasion the sublime attributes of your guide, the Law, which cannot be more strongly expressed, than in the manly diction of the highminded and eloquent ALGERNON SIDNEY: " The good of a people ought to be fixed on a " more folid foundation than the fluctuating " will or fallible understanding of one or a few: " for this reason law is established, which no " passion can disturb. It is void of desire and " fear, of lust and anger; it is pure dispassionate " mind; written reason, retaining some mea-" fure of the divine perfection: it enjoins "not that, which pleases a weak, frail man, "but, without any regard to persons, com-" mands what is good, and punishes evil in "all, whether noble or base, rich or poor, "high or low: it is deaf, inexorable, in-" flexible."

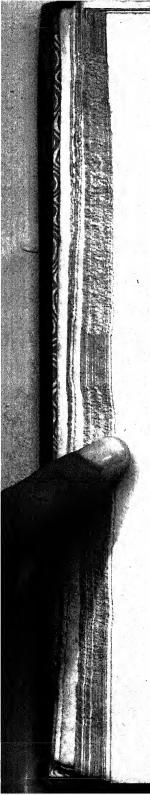
The preceding member of the period containing a negative condition, you are lastly presented with it in positive form; that you shall present all things (not partially, but) truly as they come to your knowledge, according to the best of your understanding. Here we return to the phrase, with which we began, of a true presentment which you are bound to make, of all things relating to the business of the session, as truly as you are

enabled to make it, according to fuch evidence as you have before you, and by fuch an exertion of your intellectual powers, as all fensible men would apply to their own concerns; for fo the law interprets in your case the superlative best, not meaning, as in our, (for reasons not applicable to your) that painful and intense application of mind, with which a mathematician folves the most abstruse problem, or a judge decides the most intricate cause. The only remaining doubt is, what the law means by a true presentment; for what the law means, must be the rule of our interpretation, and the measure of your Sir MATTHEW HALE, whom I always duty. name with applause, was of opinion, that if probable evidence be given for the king, the grand inquest ought to find the bill true; for it is but an acculation, that is, the denunciation of a perfon, who, as they verily believe, ought to be tried: this opinion has been attacked with fome warmth; because the grand jury are sworn, it is faid, to present the twhole truth, and, it is added erroneously, nothing but the truth, and ought, therefore, to have the same persuasion, that an indictment is true, with the petit jury, who take the same oath. I conceive the opinion of that great judge to be, if we rightly understand it, confonant to law. He could not mean a remote



and light probability, or flender furmife, but used the word probable, in a strong and imphatical fense, for an approximation to the truth as far as the grand jury can fafely affert it. Probability has many shades or degrees, from the weakest, which borders on negation, to the ftrongest, which touches the confines of certainty; and he uses the positive degree intensively, as the word diligent is used by the Roman lawyers: that you, who hear only one fide, should have the same persuasion with the petit jury, who hear both fides, is impossible; and the law requires no impossibility. Nor is the word true invariably opposed to false, but often, both in popular and technical language, means correct or evact, faithful or just: a verdict is true, when it is exactly conformable to the evidence, though many fuch verdicts have proved, in a ftrict and logical fense, unhappily false. To prevent mistakes the word is qualified, in the oath of petit jurors, by the phrase according to the evidence, and in yours by the words as the things shall come to your knowledge. The law intends generally, that the guilty shall be punished and the innocent justified, but particularly, that you, gentlemen, should find on good grounds a just accufation, and that the petit jury, having heard both accufation and defence, should weigh the whole





Let us now return to the calendar: when you find a bill for murder or burglary, as a regard for publick justice, and a tenderness for the party accused, may in many cases require, you conform to the intention of the law, and are not understood to affert the absolute verity, but to prefer a just accusation; leaving the petit jury, with the affistance of the court, to ascertain the precise degree of guilt; for it is neither confistent with the strict justice of the law, that a great offence should be stifled, nor with its provident benignity, that a man who must be acquitted and discharged if his case be found specially, should be liable many years afterwards, when all his witnesses may be dead, to an indictment for a capital crime. Nevertheless, if you believe on the evidence for the profecution, that there was no malice, or that any one ingredient of burglary was out of the case, you are at liberty, no doubt, to reject the bills, and to call for others more agreeable to the truth; or, if you think the witnesses unworthy of credit, or their tale undeserving of belief, you may reject them altogether; but though in most cases you have a discretion, which the secrecy of your deliberations and refolves naturally encourages, yet you will remember,

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that it must be a conscientious and legal discretion; like perfect historians, you will not fear to say any thing that is true, nor dare to say any thing that is false; but will so act in every part of your duty, that the innocent may approach the tribunal without apprehension of danger, and the guilty leave it without complaining of injustice.

CHARGE

TO THE

GRAND JURY,

AT CALCUTTA, DELIVERED JUNE 9, 1792.

GENTLEMEN OF THE GRAND INQUEST,

IF any point of criminal law, a full discussion of which might serve to guide you in finding or rejecting bills, or in desiring new ones to be prepared, either arose from facts within my private knowledge or could be collected from this calendar, you would not find me reluctant, merely for the sake of saving my own trouble or your time, in enlarging on it copiously to the best of my abilities; but no such point really occurs. There are only two commitments by myself, and those in cases of so little moment, (though it was impossible to pass them over without notice) that I had no doubt of bail being given by the parties committed; and, as to the treatment of prisoners

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before conviction, (a fubject, which I always had much at heart) I have the pleasure of believing, that the keeper of the prison is fully apprized of his duty on that head, and would on no account apply any rigorous mode of confinement to persons, whom the law presumes innocent and only detains for a fair trial, unless they should prove intractable and riotous, or had attempted an escape. As to the calendar, it specifies only twenty-fix new commitments, the other persons named in it having been indicted at a former fession; and of that number, three are cases of homicide; two, of perjury; and one, of robbery; besides which there are several aggravated asfaults, grand larcinies, and cheats or criminal frauds; offences, on which the law (as far as you are concerned in knowing it) is either so clear in itself, or has been made so clear by concurrent opinions delivered from this bench, that it would at prefent be superfluous to expatiate on it: the rest are petit larcinies, common assaults, and inferiour misdemeanors; the comparative number of which in this calendar fuggefts one topick, which I will very shortly discuss; requesting you to be affured, that I intend no difrespect to any one living, even if my opinion should differ (which I do not know) from that of others present or absent: much less do I mean to infinuate, that you can fail to pay the utmost attention even to the most trivial cases, that can be brought before you; but, since the topick seems to me of great consequence, I shall enter upon it without reserve; not imperiously obtruding my judgement on yours, but calmly reasoning with you, as a man, who loves his country, should reason with men, who equally love it.

This then is the point, which I engage to maintain: that no penal case, how insignificant soever in itself, is below the serious attention of a grand inquest, who cannot but set a just value on our imcomparable mode of trial by jury; because, if they once convince the publick, that they think slight offences below their notice, the necessities of that publick, to whom a number of small crimes are a great evil, will oblige them to wish for summary jurisdictions; and every summary jurisdiction is a slur on trials by jury, and consequently a step towards establishing arbitrary power.

It is agreed by all, who have coolly and impartially studied our noble constitution, as declared by many statutes from the great charter to the bill of rights, all which, you know, are solemn re-

cognitions of our ancient publick law, that three peculiar advantages are conferred by that facred law on the people of England, or on all subjects, who are not noble, but may, if they please, be independent; first, a distinct unalienable third share of the legislative power; next, a right, coupled with a duty, of keeping and using arms for the defence of their persons and habitations, as well as of their feveral counties, when the sheriffs shall call for their aid; thirdly, the right of being tried, when impleaded or accused, by their equals freely chosen, instead of appointed officers, to whom they cannot except. Now, should the time ever come (may it long, very long, be averted!) when the fervants of the crown, through the blandishments of that patronage, with which they are usually intrusted, shall obtain over both legislative houses an influence limited only by their prudence in exerting it; and should the day ever come (which to me would feem no less difgraceful) when the counties of England shall be wholly unable to defend themselves against riots, infurrections, or invafions, without the fupport of a standing army, you must be sensible, that, in those events, the trial by jury would be the only anchor left, that could preferve our constitution from total shipwreck. Great then

must be the importance of encouraging and cherishing to the utmost a mode of trial so truly inestimable; and you will allow me here to recite a passage from Sir MATTHEW HALE, of whose character, taking it all in all, we may very justly fay, that it has never been equalled: "I have feen, fays that experienced and virtuous man, I have feen arbitrary " practice still go from one thing to another: " the fines upon grand inquests began: then they " fet fines upon the petit juries for not finding " according to the directions of the court; af-" terwards the judges proceeded to fine jurors " in civil causes, if they gave not a verdict ac-" cording to direction even in points of fact." The instance given by him is very strong; but it is the principle, which I apply; and we may thence infer, that, if any acknowledged fubjects of Britain (for a different faith or complexion can make no difference in justice and right) shall be tried, convicted, and punished by a fummary jurifdiction, however conftituted. for petit larcinies, breaches of the peace, and other misdemeanors, and all offences inferiour to felony, it will be a fubfequent step to try them for grand larciny and for all felonies within the benefit of clergy; after which the transition to felonies without that benefit will not be more abrupt than the third stride, which had actually come to the knowledge of the learned and excellent judge, whom I always name with honour and cite with confidence. The progress of arbitrary power is commonly slow at first, and imperceptible to all but the vigilant, like the creeping of a tiger at night in a brake; and it behoves us, by all decent and legal means, to guard posterity against that ultimate spring, from which nothing less then the doubtful horrours of civil war might be able to protect them.

The convenience, indeed, of fummary jurifdictions I am ready to admit; but it might be still more convenient to part with other conftitutional rights, which are attended with troublesome duties; and we must always remember what has often been faid, that fome inconvenience and trouble are the price, which free men must necessarily pay for their freedom. To conclude: though all, who hear me, have, I am persuaded, the same generous sentiments with myself on this point, yet I was desirous of impressing it forcibly on your minds; for, should our numerous fellow-subjects, who will, I trust, revisit their common country, carry back with them an indifference, contracted at this distance from it, to the principles of its publick law, some future age (perhaps an age not very distant) may have just occasion to exclaim: "It had been happy for us, "if a British dominion had never been esta-" blished in Asia."

INSTITUTES

OF

HINDU LAW:

OR,

THE ORDINANCES OF MENU,

ACCORDING TO THE

GLOSS OF CULLÚCA.

COMPRISING THE

INDIAN SYSTEM OF DUTIES,

RELIGIOUS AND CIVIL.

VERBALLY TRANSLATED FROM THE ORIGINAL SANSCRIFT

WITH

A PREFACE,
BY SIR WILLIAM JONES.



THE PREFACE.

IT is a maxim in the science of legislation and government, that Laws are of no avail without manners, or, to explain the fentence more fully, that the best intended legislative provisions would have no beneficial effect even at first, and none at all in a short course of time, unless they were congenial to the disposition and habits, to the religious prejudices, and approved immemorial usages, of the people, for whom they were enacted; especially if that people universally and fincerely believed, that all their ancient usages and established rules of conduct had the fanction of an actual revelation from heaven: the legislature of Britain having shown, in compliance with this maxim, an intention to leave the natives of these Indian provinces in possession of their own Laws, at least on the titles of contracts and inheritances, we may humbly prefume, that all future provisions, for the administration of justice and government in India, will be conformable, as far as the natives are affected

by them, to the manners and opinions of the natives themselves; an object, which cannot possibly be attained, until those manners and opinions can be fully and accurately known. These considerations, and a few others more immediately within my province, were my principal motives for wishing to know, and have induced me at length to publish, that system of duties, religious and civil, and of law in all its branches, which the Hindus firmly believe to have been promulged in the beginning of time by MENU, fon or grandfon of BRAHMA'. or, in plain language, the first of created beings, and not the oldest only, but the holiest, of legislators; a fystem so comprehensive and so minutely exact, that it may be considered as the Institutes of Hindu Law, preparatory to the copions Digest, which has lately been compiled by Pandits of eminent learning, and introductory perhaps to a Code, which may supply the many natural defects in the old jurisprudence of this country, and, without any deviation from its principles, accommodate it justly to the improvements of a commercial age.

We are lost in an inextricable labyrinth of imaginary astronomical cycles, Yugas, Mahá-yugas, Calpas, and Menwantaras, in attempting to calculate the time, when the first Menu, according to the Bráhmens, governed this world,

and became the progenitor of mankind, who from him are called Manavab; nor can we, so clouded are the old history and chronology of India with fables and allegories, afcertain the precise age, when the work, now presented to the Publick, was actually composed: but we are in possession of some evidence, partly extrinsick and partly internal, that it is really one of the oldest compositions existing. From atext of PARA'SARA, discovered by Mr. DAVIS, it appears, that the vernal equinox had gone back from the tenth degree of Bharani to the first of Aswini, or twenty-three degrees and twenty minutes, between the days of that Indian philosopher, and the year of our Lord 499, when it coincided with the origin of the Hindu ecliptick; fo that PARA'SARA probably flourished near the close of the twelfth century before Christ: now PARA'SARA was the grandfon of another fage, named VA'SISHT'HA, who is often mentioned in the laws of MENU, and once as contemporary with the divine BHRIGU himself; but the character of Bhrigu, and the whole dramatical arrangement of the book before us, are clearly fictitious and ornamental, with a defign, too common among ancient lawgivers, of stamping authority on the work by the introduction of fupernatural personages, though VASISHT'HA may have lived many generations before the ac-

tual writer of it; who names him, indeed, in one or two places as a philosopher in an earlier period. The style, however, and metre of this work (which there is not the fmallest reason to think affectedly obfolete) are widely different from the language and metrical rules of CA'LI-DA's, who unquestionably wrote before the beginning of our era; and the dialect of MENU is even observed in many passages to resemble that of the Vėda, particularly in a departure from the more modern grammatical forms; whence it must at first view seem very probable, that the laws, now brought to light, were confiderably older than those of Solon or even of Lycur-Gus, although the promulgation of them, before they were reduced to writing, might have been coeval with the first monarchies established in Egypt or Asia: but, having had the fingular good fortune to procure ancient copies of eleven Upanishads with a very perspicuous comment, I am enabled to fix with more exactness the probable age of the work before us, and even to limit its highest possible age, by a mode of reasoning, which may be thought new, but will be found, I persuade myself, satisfactory; if the Publick shall on this occasion give me credit for a few very curious facts, which, though capable of ffrict proof, can at prefent be only afferted. The Sanscrit of the three first Vėdas (I need not here

speak of the fourth,) that of the Manava Dherma Sástra, and that of the Puránas, differ from each other in pretty exact proportion to the Latin of NUMA, from whose laws entire fentences are preserved, that of Approx, which we see in the fragments of the Twelve Tables, and that of CICERO, or of LUCRETIUS, where he has not affected an obsolete style: if the several changes, therefore, of Sanscrit and Latin took place, as we may fairly assume, in times very nearly proportional, the Vėdas must have been written about 300 years before these Institutes, and about 600 before the Puránas and Itihásas, which, I am fully convinced, were not the productions of VYA'SA; fo that, if the fon of PARA'SARA committed the traditional Vėdas to writing in the Sanscrit of his father's time, the original of this book must have received its present form about 880 years before CHRIST's birth. If the texts, indeed, which Vya's a collected, had been actually written, in a much older dialect, by the fages preceding him, we must inquire into the greatest possible age of the Vėdas themselves: now one of the longest and finest Upanishads in the second Vėda contains three lists, in a regular series upwards, of at most forty-two pupils and preceptors, who fucceffively received and transmitted (probably by oral tradition) the doctrines contained in that Upanisbad; and, as the old In-

dian priests were students at fifteen, and instructors at twenty-five, we cannot allow more than ten years on an average for each interval between the respective traditions; whence, as there are forty fuch intervals, in two of the lifts, between Vya'sa, who arranged the whole work, and AYA'SYA, who is extolled at the beginning of it, and just as many, in the third list, between the compiler and YAJNYAWALCYA, who makes the principal figure in it, we find the highest age of the Yajur Vėda to be 1580 years before the birth of our Saviour, (which would make it older than the five books of Moses) and that of our Indian lawtract about 1280 years before the fame epoch. The former date, however, feems the more probable of the two, because the Hindu fages are faid to have delivered their knowledge orally, and the very word Sruta, which we often fee used for the Veda itself, means what was beard; not to infift, that Cullu'ca expressly declares the fense of the Vėda to be conveyed in the language of VYA'SA. Whether MENU, or Menus in the nominative and Meno's in an oblique case, was the same personage with MI-Nos, let others determine; but he must indubitably have been far older than the work, which contains his laws, and, though perhaps he was never in Crete, yet some of his institutions may well have been adopted in that island, whence

Lycurgus a century or two afterwards may have imported them to Sparta.

There is certainly a strong resemblance, though obscured and faded by time, between our MENU with his divine Bull, whom he names as DHER-MA himself, or the genius of abstract justice, and the Mneues of Egypt with his companion or fymbol, Apis; and, though we should be constantly on our guard against the delusion of etymological conjecture, yet we cannot but admit that Minos and Mneues, or Mneuis, have only Greek terminations, but that the crude noun is composed of the same radical letters both in Greek and in Sanscrit. 'That Apis and Mneuis, fays ' the Analyst of ancient Mythology, were both ' representations of some personage, appears from ' the testimony of LYCOPHRON and his scholiast; ' and that personage was the same, who in Crete was ftyled Minos, and who was also repre-' fented under the emblem of the Minotaur: ' Diodorus, who confines him to Egypt, speaks ' of him by the title of the bull Mneuis, as the ' first lawgiver, and says, "That he lived after " the age of the gods and heroes, when a change " was made in the manner of life among men; that " he was a man of a most exalted foul, and a great " promoter of civil fociety, which he benefited " by his laws; that those laws were unwritten, and " received by him from the chief Egyptian deity

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" HERMES, who conferred them on the world " as a gift of the highest importance." He was the same, adds my learned friend, with MENES, whom the Egyptians represented as their first ' king and principal benefactor, who first facrificed to the gods, and brought about a great change in diet.' If MINOS, the fon of JUPITER, whom the Cretans, from national vanity, might have made a native of their own island, was really the same person with MENU, the fon of BRAHMA', we have the good fortune to restore, by means of Indian literature, the most celebrated fystem of heathen jurisprudence, and this work might have been entitled The Laws of Minos; but the paradox is too fingular to be confidently afferted, and the geographical part of the book, with most of the allusions to natural history, must indubitably have been written after the Hindu race had fettled to the fouth of Himálava. We cannot but remark that the word Menu has no relation whatever to the Moon; and that it was the feventh, not the first, of that name, whom the Bráhmens believe to have been preserved in an ark from the general deluge: him they call the Child of the Sun, to distinguish him from our legislator; but they affign to his brother YAMA the office (which the Greeks were pleased to confer on Minos) of Judge in the shades below.



The name of MENU is clearly derived (like menes, mens, and mind) from the root men to understand; and it signifies, as all the Pandits agree, intelligent, particularly in the doctrines of the Veda, which the composer of our Dherma Sástra must have studied very diligently; since great numbers of its texts, changed only in a few fyllables for the fake of the measure, are interfperfed through the work and cited at length in the commentaries: the Publick may, therefore, affure themselves, that they now possess a considerable part of the Hindu scripture, without the dullness of its profane ritual or much of its mystical jargon. Da'RA Shucu'h was perfuaded, and not without found reason, that the first MENU of the Brahmens could be no other person than the progenitor of mankind, to whom Yews, Christians, and Muselmans unite in giving the name of ADAM; but, whoever he might have been, he is highly honoured by name in the Vėda itself, where it is declared, that 'whatever 'MENU pronounced, was a medicine for the foul; and the fage WRIHASPETI, now supposed to preside over the planet Jupiter, says in his own law tract, that 'MENU held the first rank among legislators, because he had expressed in his code the whole sense of the Vėda; that no code was approved, which contradicted · MENU; that other Sastras, and treatises on

'grammar or logick, retained splendour so long' only as Menu, who taught the way to just wealth, to virtue, and to final happiness, was not seen in competition with them:' Vy as a too, the

'in competition with them:' Vyasa too, the fon of Para'sara before mentioned, has decided, that 'the Vėda with its Angas, or the

fix compositions deduced from it, the revealed

' fystem of medicine, the Puranas, or sacred his-

tories, and the code of Menu, were four works

6 of fupreme authority, which ought never to be

fhaken by arguments merely human.'

It is the general opinion of Pandits, that BRAHMA' taught his laws to Menu in a bundred thousand verses, which Menu explained to the primitive world in the very words of the book now translated, where he names himself, after the manner of ancient sages, in the third person; but, in a short presace to the lawtract of Na'red, it is afferted, that 'Menu, having 'written the laws of Brahma' in a hundred

thousand flocas or couplets, arranged under

twenty-four heads in a thousand chapters, deli-

e vered the work to Na'RED, the fage among

' gods, who abridged it, for the use of mankind,

' in twelve thousand verses, and gave them to a

' fon of BHRIGU, named SUMATI, who, for

' greater ease to the human race, reduced them

' to four thousand; that mortals read only the

fecond abridgement by SUMATI, while the

gods of the lower heaven, and the band of ce-

' lestial musicians, are engaged in studying the

' primary code, beginning with the fifth verse, a

'little varied, of the work now extant on earth;

but that nothing remains of NA'RED's abridge-

ment, except an elegant epitome of the ninth

original title on the administration of justice. Now, fince these institutes consist only of two thousand six hundred and eighty-five verses, they cannot be the whole work ascribed to Sumati, which is probably distinguished by the name of the Vriddha, or ancient, Mánava, and cannot be found entire; though several passages from it, which have been preserved by tradition, are occasionally cited in the new digest.

A number of glosses or comments on Menu were composed by the Munis, or old philosophers, whose treatises, together with that before us, constitute the Dhermasástra, in a collective sense, or Body of Law; among the more modern commentaries, that called Médhátit'hi, that by Go'vindara'ja, and that by Dharani'-Dhera, were once in the greatest repute; but the first was reckoned prolix and unequal; the second, concise but obscure; and the third, often erroneous. At length appeared Cullu'ca Bhatta; who, after a painful course of study, and the collation of numerous manuscripts, produced a work, of which it may, perhaps, be said

very truly, that it is the shortest, yet the most luminous, the least oftentatious, yet the most learned, the deepest, yet the most agreeable, commentary ever composed on any author ancient or modern, European or Asiatick. The Pandits care fo little for genuine chronology, that none of them can tell me the age of Cullu'ca, whom they always name with applause; but he informs. us himself, that he was a Brábmen of the Váréndra tribe, whose family had been long settled in Gaur or Bengal, but that he had chosen his residence among the learned on the banks of the holy river at Cási. His text and interpretation I have almost implicitly followed, though I had myself collated many copies of Menu, and among them a manuscript of a very ancient date: his gloss is here printed in Italicks; and any reader, who may choose to pass it over as if unprinted, will have in Roman letters an exact version of the original, and may form some idea of its character and structure, as well as of the Sanscrit idiom, which must necessarily be preferved in a verbal translation; and a translation, not fcrupuloufly verbal, would have been highly improper in a work on fo delicate and momentous a fubject as private and criminal jurifprudence.

Should a feries of Bráhmens omit, for three generations, the reading of Menu, their fa-

cerdotal class, as all the Pandit's assure me, would in strictness be forfeited; but they must explain it only to their pupils of the three highest classes; and the Brahmen, who read it with me. requested most earnestly, that his name might be concealed; nor would he have read it for any consideration on a forbidden day of the moon, or without the ceremonies prescribed in the fecond and fourth chapters for a lecture on the Véda: so great, indeed, is the idea of sanctity annexed to this book, that, when the chief native magistrate at Banares endeavoured, at my request, to procure a Persian translation of it, before I had a hope of being at any time able to understand the original, the Pandits of his court unanimously and positively refused to affift in the work, nor should I have procured it at all, if a wealthy Hindu at Gayà had not caused the version to be made by some of his dependants, at the defire of my friend Mr. LAW. The Persian translation of MENU, like all others from the Sanscrit into that language, is a rude intermixture of the text, loofely rendered, with fome old or new comment, and often with the crude notions of the translator; and, though it expresses the general sense of the original, yet it fwarms with errours, imputable partly to haste, and partly to ignorance:

thus where Menu says, that emissaries are the eyes of a prince, the Persian phrase makes him ascribe four eyes to the person of a king; for the word chár, which means an emissary in Sanscrit, signifies four in the popular dialect.

The work, now presented to the European world, contains abundance of curious matter extremely interesting both to speculative lawyers and antiquaries, with many beauties, which need not be pointed out, and with many blemishes, which cannot be justified or palliated. It is a fystem of despotism and priestcraft, both indeed limited by law, but artfully conspiring to give mutual support, though with mutual checks; it is filled with strange conceits in metaphyficks and natural philosophy, with idle fuperstitions, and with a scheme of theology most obscurely figurative, and consequently liable to dangerous misconception; it abounds with minute and childish formalities, with ceremonies generally abfurd and often ridiculous; the punishments are partial and fanciful, for fome crimes dreadfully cruel, for others reprehenfibly flight; and the very morals, though rigid enough on the whole, are in one or two instances (as in the case of light oaths and of pious perjury) unaccountably relaxed: nevertheless, a

fpirit of fublime devotion, of benevolence to mankind, and of amiable tenderness to all fentient creatures, pervades the whole work; the style of it has a certain austere majesty, that sounds like the language of legislation and extorts a respectful awe; the sentiments of independence on all beings but God, and the harsh admonitions even to kings, are truly noble; and the many panegyricks on the Gayatri, the Mother, as it is called, of the Veda, prove the author to have adored (not the visible material fun, but) that divine and incomparably greater light, to use the words of the most venerable text in the Indian scripture, which illumines all, delights all, from which all proceed, to which all must return, and which alone can irradiate (not our vifual organs merely, but our fouls and) our intellects. Whatever opinion in short may be formed of Menu and his laws, in a country happily enlightened by found philosophy and the only true revelation, it must be remembered, that those laws are actually revered, as the word of the Most High, by nations of great importance to the political and commercial interests of Europe, and particularly by many millions of Hindu subjects, whose well directed industry would add largely to the wealth of Britain, and who ask no more in return than protection for their persons and places of abode,

justice in their temporal concerns, indulgence to the prejudices of their own religion, and the benefit of those laws, which they have been taught to believe sacred, and which alone they can possibly comprehend.

W. JONES.

LAWS OF MENU.

SON OF BRAHMÁ.

CHAPTER THE FIRST.

On the Creation; with a Summary of the Contents.

- 1. MENU sat reclined, with his attention fixed on one object, the supreme God; when the divine Sages approached bim, and, after mutual talutations in due form, delivered the following address:
- 2. 'Deign, sovereign ruler, to apprize us of the facred laws in their order, as they must be
- ' followed by all the four classes, and by each of
- ' them, in their feveral degrees, together with the
- ' duties of every mixed class;
- 3. For thou, Lord, and thou only among
- ' mortals, knowest the true sense, the first prin-
- 'ciple, and the prescribed ceremonies, of this
- ' universal, supernatural Véda, unlimited in ex-
- ' tent and unequalled in authority.'

- 4. HE, whose powers were measureless, being thus requested by the great Sages, whose thoughts were profound, saluted them all with reverence, and gave them a comprehensive answer, saying:

 4 Be it heard!
- 5. 'This universe existed only in the first divine idea yet unexpanded, as if involved in dark-

' nefs, imperceptible, undefinable, undifcoverable

by reason, and undiscovered by revelation, as if it

were wholly immerfed in fleep:

- 6. 'Then the *fole* felf-existing power, him-'felf undiscerned, but making this world dis-
- cernible, with five elements and other princi-
- 'ples of nature, appeared with undiminished
- 'glory, expanding his idea, or difpelling the gloom.
- 7. 'HE, whom the mind alone can perceive, 'whose effence eludes the external organs, who
- has no visible parts, who exists from eternity,
- 'even HE, the foul of all beings, whom no being can comprehend, shone forth in person.
- 8. 'HE, having willed to produce various beings from his own divine substance, first with
- 'a thought created the waters, and placed in
- ' them a productive feed:
- 9. 'That feed became an egg bright as gold, 'blazing like the luminary with a thousand
- beams; and in that egg he was born himself, in

- * the form of BRAHMA', the great forefather of all spirits.
- 10. 'The waters are called nárá, because
- 'they were the production of NARA, or the 'fpirit of God; and, fince they were his first
- ' ayana, or place of motion, he thence is named
- 'NA'RA'YANA, or moving on the waters.
 - II. 'From THAT WHICH IS, the first cause,
- 'not the object of fense, existing every where in
- ' substance, not existing to our perception, without
- beginning or end, was produced the divine
- * male, famed in all worlds under the appellation
- of BRAHMA'.
 - 12. In that egg the great power fat inactive
- a whole year of the Creator, at the close of which
- by his thought alone he caused the egg to di-
- ' vide itself;
 - 13. 'And from its two divisions he framed
- the heaven above and the earth beneath: in
- the midst be placed the subtil ether, the eight
- regions, and the permanent receptacle of
- waters.
 - 14. ' From the supreme soul he drew forth
- ' Mind, existing substantially though unper-
- ceived by fense, immaterial; and, before mind,
- or the reasoning power, he produced conscious-
- * ness, the internal monitor, the ruler;
 - 15. 'And, before' them both, he produced the

- great principle of the Soul, or first expansion of
- * the divine idea; and all vital forms endued
- with the three qualities of goodness, passion, and
- darkness; and the five perceptions of sense,
- and the five organs of fensation.
 - 16. 'Thus, having at once pervaded, with
- emanations from the Supreme Spirit, the mi-
- ' nutest portions of six principles immensely ope-
- * rative, consciousness and the five perceptions, He
- framed all creatures;
- 17. And fince the minutest particles of vi-
- fible nature have a dependence on those fix
- emanations from God, the wife have accord-
- ingly given the name of s'arira, or depending
- on fix, that is, the ten organs on consciousness,
- and the five elements on as many perceptions,
- 'to His image or appearance in visible nature:
 - 18. 'Thence proceed the great elements, en-
- dued with peculiar powers, the Mind with oper-
- ations infinitely fubtil, the unperishable cause
- of all apparent forms.
- 19. 'This universe, therefore, is compacted
- from the minute portions of those seven divine
- s and active principles, the great Soul, or first
- emanation, consciousness, and five perceptions;
- · a mutable universe from immutable ideas.
 - 20. 'Among them each fucceeding element
- acquires the quality of the preceding; and, in

- as many degrees as each of them is advanced,
- with fo many properties is it faid to be en-
- ' dued.
 - 21. 'HE too first affigned to all creatures
- diffinct names, diffinct acts, and diffinct occu-
- ' pations; as they had been revealed in the pre-
- existing Véda:
 - 22. 'HE, the supreme Ruler, created an af-
- femblage of inferior Deities, with divine attri-
- butes and pure fouls; and a number of Genii
- ' exquisitely delicate; and he prescribed the sa-
- f crifice ordained from the beginning.
 - 23. From fire, from air, and from the fun
- he milked out, as it were, the three primordial
- ' Védas, named Rich, Yajush, and Sáman, for
- the due performance of the facrifice.
 - 24. 'HE gave being to time and the divisions
- of time, to the stars also, and to the planets, to
- 'rivers, oceans, and mountains, to level plains,
- and uneven valleys,
 - 25. 'To devotion, speech, complacency, de-
- ' fire, and wrath, and to the creation, which
- fhall presently be mentioned; for He willed the
- ' existence of all those created things.
 - 26. For the fake of distinguishing actions,
- ' He made a total difference between right and
- ' wrong, and enured these sentient creatures to
- s pleasure and pain, cold and heat, and other op-
- ' posite pairs.

27. With very minute transformable portions, called *mátrás*, of the five elements, all this perceptible world was composed in fit order:

28. And in whatever occupation the supreme

Lord first employed any vital foul, to that oc-

cupation the same soul attaches itself sponta-

e neously, when it receives a new body again and

again:

29. 'Whatever quality, noxious or innocent,

harsh or mild, unjust or just, false or true,

· He conferred on any being at its creation, the

fame quality enters it of course on its future

births;

30. 'As the fix feafons of the year attain refpectively their peculiar marks in due time

and of their own accord, even fo the feveral acts of each embodied spirit attend it natu-

· rally.

31. 'That the human race might be multi-'plied, He caused the Brábmen, the Cshatriya,

the Vaifya, and the Súdra (so named from the

· scripture, protection, wealth, and labour) to pro-

ceed from his mouth, his arm, his thigh, and

his foot.

32. 'Having divided his own fubstance, the mighty power became half male, half female, or nature active and passive; and from that fe-

' male he produced VIRA'J:

33. 'Know Me, O most excellent of Bráb'mens, to be that person, whom the male power

VIRA'J, having performed auftere devotion,

• produced by himself; Me, the fecondary framer

of all this visible world.

34. 'It was I, who, defirous of giving birth

to a race of men, performed very difficult re-

' ligious duties, and first produced ten Lords of

· created beings, eminent in holinefs,

35. 'MARI'CHI, ATRI, ANGIRAS, PULAS-'TYA, PULAHA, CRATU, PRACHE'TAS, OF DAC-

'sha, Vasisht'ha, Bhrigu, and Na'rada:

36. 'They, abundant in glory, produced

feven other Menus, together with deities, and

the mansions of deities, and Maharshis, or great

' Sages, unlimited in power;

37. Benevolent genii, and fierce giants,

'blood-thirfty favages, heavenly quirifters,

' nymphs and demons, huge ferpents and fnakes

of fmaller fize, birds of mighty wing, and fe-

parate companies of Pitirs, or progenitors of

mankind;

38. 'Lightnings and thunder-bolts, clouds

and coloured bows of INDRA, falling meteors,

earth-rending vapours, comets, and luminaries

of various degrees;

39. 'Horse-faced sylvans, apes, fish, and a

variety of birds, tame cattle, deer, men, and

ravenous beaffs with two rows of teeth;

40. Small and large reptiles, moths, lice, fleas, and common flies, with every biting gnat, and immoveable substances of distinct

forts.

41. 'Thus was this whole affemblage of stationary and moveable bodies framed by those

high-minded beings, through the force of their

own devotion, and at my command, with feparate actions allotted to each.

42. Whatever act is ordained for each of those creatures here below, that I will now de-

clare to you, together with their order in re-

' spect to birth.

43. 'Cattle and deer, and wild beafts with two rows of teeth, giants, and blood-thirsty favages, and the race of men, are born from a

fecundine:

44. 'Birds are hatched from eggs; so are fnakes, crocodiles, fish without shells, and tortoises, with other animal kinds, terrestrial, as chameleons, and aquatick, as shellfish:

45. From hot moisture are born biting gnats, lice, fleas, and common flies; these, and whatever is of the same class, are produced by

heat.

46. All vegetables, propagated by feed or by flips, grow from theors: fome herbs, abound-

- ing in flowers and fruits, perish when the fruit
- ' is mature;
 - 47. 'Other plants, called lords of the forest,
- ' have no flowers, but produce fruit; and, whe-
- 'ther they have flowers also, or fruit only,
- ' large woody plants of both forts are named trees.
 - 48. 'There are shrubs with many stalks from
- ' the root upwards, and reeds with fingle roots
- 'but united stems, all of different kinds, and
- ' graffes, and vines or climbers, and creepers,
- which fpring from a feed or from a flip.
 - 49. 'These animals and vegetables, encircled
- with multiform darkness, by reason of past
- 'actions, have internal conscience, and are sen-
- ' fible of pleafure and pain.
- 50. 'All transmigrations, recorded in facred
- books, from the state of BRAHMA', to that of
- ' plants, happen continually in this tremen-
- dous world of beings; a world always tending
- to decay.
 - 51. 'HE, whose powers are incomprehen-
- fible, having thus created both me and this
- ' universe, was again absorbed in the supreme
- Spirit, changing the time of energy for the time
- of repose.
- 52. 'When that power awakes, (for, though
- flumber be not predicable of the sole eternal
- 'Mind, infinitely wife and infinitely benevolent,

'yet it is predicated of BRAHMA', figuratively, as a general property of life) then has this world its full expansion; but, when he slumbers with a tranquil spirit, then the whole system fades away;

53. 'For, while he reposes, as it were, in

calm fleep, embodied spirits, endued with principles of action, depart from their several acts,

' and the mind itself becomes inert;

54. And, when they once are absorbed in that supreme essence, then the divine soul of

' all beings withdraws his energy, and placidly

' flumbers;

55. 'Then too this vital foul of created bodies,

with all the organs of fense and of action, re-

'mains long immersed in the first idea or in

darkness, and performs not its natural func-

' tions, but migrates from its corporeal frame:

56. When, being again composed of minute

elementary principles, it enters at once into

' vegetable or animal feed, it then assumes a new

form.

57. 'Thus that immutable Power, by waking and reposing alternately, revivisies and destroys

'in eternal fuccession this whole assemblage of

'locomotive and immoveable creatures.

58. 'HE, having enacted this code of laws,

' himself taught it fully to me in the beginning:

'afterwards I taught it MARICHI and the nine other holy fages.

59. 'This my fon Bhrigu will repeat the 'divine code to you without omission; for that 'sage learned from me to recite the whole of 'it.'

60. BHRIGU, great and wife, having thus been appointed by MENU to promulge his laws, addressed all the Rishis with an affectionate mind, saying: 'Hear!

61. 'FROM this MENU, named SWA'Y'AMBHUVA, or Sprung from the felf-existing,
'came fix descendants, other MENUS, or per'fectly understanding the scripture, each giving
'birth to a race of his own, all exalted in dig'nity, eminent in power;

62. 'SWA'RO'CHISHA, AUTTAMI, TA'MA-'SA, RAIVATA likewife and CHA'CSHUSHA, 'beaming with glory, and VAIVASWATA, child 'of the fun.

63. 'The seven Menus, (or those first created, who are to be followed by seven more) of whom 'SWAYAMBHUVA is the chief, have produced and supported this world of moving and stationary beings, each in his own Antara, or the period of his reign.

64. 'Eighteen niméshas, or twinklings of an 'eye, are one cásht'há; thirty cásht'hás, one calá; thirty calás, one muburta: and just so many

muhurtas let mankind confider as the duration of their day and night.

65. 'The fun causes the distribution of day and night both divine and human; night being

intended for the repose of various beings, and

day for their exertion.

66. A month of mortals is a day and a night

of the Pitris or patriarchs inhabiting the moon; and the division of a month being into equal

halves, the half beginning from the full moon

is their day for actions; and that beginning

from the new moon is their night for flumber:

67. A year of mortals is a day and a night of the Gods, or regents of the universe seated

Fround the north pole; and again their division

is this: their day is the northern, and their

' night the fouthern, course of the fun.

68. 'Learn now the duration of a day and a night of BRAHMA', and of the several ages,

which shall be mentioned in order fuccinctly.

69. Sages have given the name of Crita

to an age containing four thousand years of the

Gods; the twilight preceding it confifts of as

many hundreds, and the twilight following it,

of the fame number:

70. 'In the other three ages, with their twi-

and hunareds diminished by one.

71. 'The divine years, in the four human ages

'just enumerated, being added together, their

' fum, or twelve thousand, is called the age of

' the Gods;

72. 'And, by reckoning a thousand such di-

' vine ages, a day of BRAHMA' may be known:

his night has also an equal duration:

73. 'Those persons best know the divisions of

days and nights, who understand, that the day

' of BRAHMA', which endures to the end of a

' thousand such ages, gives rise to virtuous exer-

'tions; and that his night endures as long as his

'day.

74. 'At the close of his night, having long

' reposed, he awakes, and, awaking, exerts intel-

'lect, or reproduces the great principle of ani-

' mation, whose property it is to exist unperceived

' by fense:

75. 'Intellect, called into action by his will

to create worlds, performs again the work of

'creation; and thence first emerges the subtil

ether, to which philosophers ascribe the quality

' of conveying found;

76. 'From ether, effecting a transmutation in

form, springs the pure and potent air, a vehicle

of all scents; and air is held endued with the

' quality of touch:

77. 'Then from air, operating a change,

'rifes light or fire, making objects visible dif-

' pelling gloom, fpreading bright rays; and it is

' declared to have the quality of figure;

78. 'But from light, a change being effected, 'comes water with the quality of taste; and from 'water is deposited earth with the quality of fmell: such were they created in the begin'ning.

79. The beforementioned age of the Gods, or twelve thousand of their years, being multiplied by seventy-one, constitutes what is here named a Menwantara, or the reign of a MENU. 80. There are numberless Menwantaras;

creations also and destructions of worlds, innumerable: the Being supremely exalted performs all this, with as much esse as if in sport, again and again for the sake of conferring happiness.

81. In the Crita age the Genius of truth and right, in the form of a Bull, stands firm on his four feet; nor does any advantage accrue to men from iniquity;

82. 'But in the following ages, by reason of unjust gains, he is deprived successively of one foot; and even just emoluments, through

the prevalence of theft, falsehood, and fraud, are gradually dimished by a fourth part.

83. 'Men, free from disease, attain all sorts of prosperity and live sour hundred years, in the 'Crita age; but, in the Treta and the succeeding ages, their life is lessened gradually by one quarter.

84. 'The life of mortals, which is mentioned in the Véda, the rewards of good works, and

- the powers of embodied spirits, are fruits proportioned among men to the order of the four ages.
- 85. 'Some duties are performed by good men in the Crita age; others, in the Tréta; some,
- in the Dwapara; others in the Cali; in pro-
- ' portion as those ages decrease in length.
 - 86. 'In the Crita the prevailing virtue is de-
- ' clared to be devotion; in the Trėtà, divine
- 'knowledge; in the Dwapara, holy fages call
- ' facrifice the duty chiefly performed; in the
- ' Cali, liberality alone.
 - 87. ' For the sake of preserving this universe,
- the Being fupremely glorious allotted feparate
- 'duties to those, who sprang respectively from
- his mouth, his arm, his thigh, and his
- foot.
 - 88. 'To Bráhmens he affigned the duties of
- ' reading the Vėda, of teaching it, of facrificing,
- of affifting others to facrifice, of giving alms,
- 'if they be rich, and, if indigent, of receiving
- 'gifts:
 - 89. 'To defend the people, to give alms, to
- ' facrifice, to read the Véda, to shun the allure-
- ' ments of sensual gratification, are in few words
- ' the duties of a Chatriya:
 - 90. 'To keep herds of cattle, to bestow lar-
- ' gesses, to sacrifice, to read the scripture, to carry
- on trade, to lend at interest, and to culti-

- vate land, are prescribed or permitted to a Vaisya:
 - 91. 'One principal duty the supreme Ruler
- 'affigned to a Súdra; namely, to serve the
- beforementioned classes, without depreciating
- ' their worth.
 - 92. 'Man is declared purer above the navel;
- but the felf-existing Power declared the purest
- ' part of him to be the mouth:
 - 93. Since the Brahmen sprang from the most
- excellent part, fince he was the first born, and
- ' fince he possesses the Véda, he is by right the
- chief of this whole creation.
- 94. 'Him the Being, who exists of himself,
- produced in the beginning from his own
- mouth; that, having performed holy rites, he
- ' might present clarified butter to the Gods, and
- cakes of rice to the progenitors of mankind, for
- the preservation of this world:
 - 95. What created being then can furpass
- ' Him, with whose mouth the Gods of the fir-
- mament continually feaft on clarified butter,
- and the manes of ancestors, on hallowed cakes?
 - o6. 'Of created things the most excellent are
- those which are animated; of the animated,
- those which subsist by intelligence; of the in-
- telligent, mankind; and of men, the facerdo-
- 4 tal class.
 - 97. 'Of priefts, those eminent in learning; of

- the learned, those who know their duty; of
- ' those who know it, such as perform it virtu-
- oully; and of the virtuous, those who feek
- beatitude from a perfect acquaintance with
- ' scriptural doctrine.
 - 08. 'The very birth of Brabmens is a constant
- 'incarnation of DHERMA, God of Justice; for the
- ' Brahmen is born to promote justice, and to
- ' procure ultimate happiness.
 - 99. 'When a Bråhmen springs to light, he is
- ' born above the world, the chief of all creatures,
- " affigned to guard the treasury of duties religious
- f and civil.
 - 100. Whatever exists in the universe, is all
- ' in effect, though not in form, the wealth of the
- ' Brahmen; fince the Brahmen is entitled to it
- 'all by his primogeniture and eminence of
- ' birth:
- 101. 'The Bráhmen eats but his own food;
- ' wears but his own apparel; and bestows but
- 'his own in alms: through the benevolence
- ' of the Brahmen, indeed, other mortals enjoy
- ' life.
 - 102. 'To declare the facerdotal duties, and
- ' those of the other classes in due order, the fage
- · Menu, fprung from the self-existing, pro-
- * mulged this code of laws;
- 103. ' A code which must be studied with
- 'extreme care by every learned Brábmen, and

fully explained to his disciples, but must be taught by no other man of an inferior · class.

104. 'The Bráhmen, who studies this book, having performed facred rites, is perpetually

free from offence in thought, in word, and in

· deed :

105. He confers purity on his living fa-

· mily, on his ancestors, and on his descendants, as far as the feventh person; and He alone

deserves to possess this whole earth.

106. 'This most excellent code produces

· every thing auspicious; this code increases un-

· derstanding; this code procures fame and long

' life; this code leads to supreme blifs,

107. 'In this book appears the fystem of law

in its full extent, with the good and bad pro-

' perties of human actions, and the immemorial

customs of the four classes.

108. 'Immemorial custom is transcendent

! law, approved in the facred scripture, and in the

codes of divine legislators: let every man, there-

fore, of the three principal classes, who has a

due reverence for the Supreme spirit which

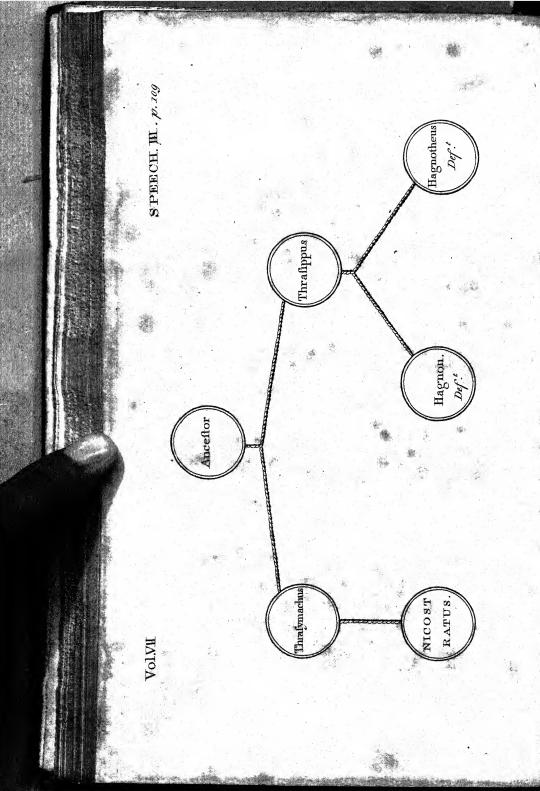
dwells in him, diligently and constantly observe

' immemorial custom:

109. A man of the priestly, military, or 'commercial class, who deviates from immemorial

ulage, tastes not the fruit of the Véda; but, by





'an exact observance of it, he gathers that fruit in perfection.

'that law is grounded on immemorial custom, embraced, as the root of all piety, good usages,

' long established.

111. 'The creation of this universe; the forms of institution and education, with the

observances and behaviour of a student in

theology; the best rules for the ceremony on

'his return from the manfion of his preceptor;

112. 'The law of marriage in general, and of uptials in different forms; the regulations for

the great facraments, and the manner, prime-

' vally fettled, of performing obsequies;

113. 'The modes of gaining subfishence, and

the rules to be observed by the master of a fa-

' mily; the allowance and prohibition of diet,

with the purification of men and utenfils;

114. Laws concerning women; the devo-

tion of hermits, and of anchorets wholly intent

on final beatitude, the whole duty of a king,

' and the judicial decision of controversies,

115. With the law of evidence and exami-

'nation; laws concerning husband and wife,

canons of inheritance; the prohibition of

' gaming, and the punishments of criminals;

116. 'Rules ordained for the mercantile and

- fervile classes, with the origin of those, that
- ' are mixed; the duties and rights of all the
- classes in time of distress for subsistence; and
- the penances for expiating fins;
 - 117. 'The feveral transmigrations in this
- ' universe, caused by offences of three kinds, with
- ' the ultimate bliss attending good actions, on the
- ' full trial of vice and virtue;
 - 118. ' All these titles of law, promulgated by
- " MENU, and occasionally the customs of different
- ' countries, different tribes, and different families,
- with rules concerning hereticks and companies
- of traders, are discussed in this code.
- 119. 'Even as MENU at my request formerly
- revealed this divine Sastra, hear it now from
- " me without any diminution or addition.

CHAPTER THE SECOND.

On Education; or on the Sacerdotal Class, and the First Order.

- r. 'KNOW that fystem of duties, which is re'vered by such as are learned in the Védas, and
 'impressed, as the means of attaining beatitude,
 'on the hearts of the just, who are ever exempt
 'from hatred and inordinate affection.
- 2. 'Self-love is no laudable motive, yet an 'exemption from felf-love is not to be found in 'this world; on felf-love is grounded the study of scripture, and the practice of actions recommended in it.
- 3. 'Eager defire to act has its root in expect-'ation of some advantage; and with such ex-'pectation are sacrifices performed: the rules of 'religious austerity and abstinence from sin are 'all known to arise from hope of remuneration.
- 4. 'Not a fingle act here below appears 'ever to be done by a man free from felf-love: 'whatever he performs, it is wrought from his 'defire of a reward.

5. 'He, indeed, who should persist in discharging these duties without any view to their fruit, would attain hereaster the state of the

immortals, and, even in this life, would enjoy

all the virtuous gratifications, that his fancy

could fuggeft.

6. 'The roots of law are the whole Véda, the ordinances and moral practices of such as perfectly understand it, the immemorial customs of good men, and, in cases quite indifferent, self-

· fatisfaction.

7. 'Whatever law has been ordained for any person by Menu, that law is fully declared in the Véda: for He was persect in divine know-ledge:

8. 'A man of true learning, who has viewed this complete fystem with the eye of facred wisdom, cannot fail to perform all those duties,

which are ordained on the authority of the

· Véda.

9. 'No doubt, that man, who shall follow the rules prescribed in the *Sruti* and in the *Smriti*, will acquire fame in this life, and, in the next, inexpressible happiness:

10. 'By Sruti, or what was heard from above, is meant the Véda; and by Smriti, or what was remembered from the beginning, the body of law: those two must not be oppugned by heterodox

- ' arguments; fince from those two proceeds the ' whole fystem of duties.
- 11. 'Whatever man of the three highest 'classes, having addicted himself to heretical
- ' books, shall treat with contempt those two
- ' roots of law, he must be driven, as an Atheist
- ' and a scorner of revelation, from the company
 ' of the virtuous.
- 12. 'The scripture, the codes of law, ap-'proved usage, and, in all indifferent cases,
- felf-fatisfaction, the wife have openly declared
- ' to be the quadruple description of the juridical
- ' fystem.
 - 13. 'A knowledge of right is a fufficient in-
- 'centive for men unattached to wealth or to
- ' fenfuality; and to those who feek a knowledge
- ' of right, the supreme authority is divine re-
- 'velation:
- 14. 'But, when there are two facred texts
- ' apparently inconsistent, both are held to be law;
- ' for both are pronounced by the wife to be valid
- ' and reconcileable;
- 15. 'Thus in the Véda are these texts: "let
- "the facrifice be when the fun has arisen," and,
- before it has rifen," and, "when neither fun
- 'nor ftars can be feen:" the facrifice, there-
- ' fore, may be performed at any or all of those times.

16. He, whose life is regulated by holy texts, from his conception even to his funeral ' pile, has a decided right to study this code; but

on other man whatfoever.

17. 'BETWEEN the two divine rivers Sarafwati and Dhrishadwati lies the tract of land,

' which the fages have named Brabmáverta, be-

cause it was frequented by Gods:

18. 'The custom, preserved by immemorial tradition in that country, among the four pure

classes, and among those which are mixed, is

' called approved usage.

19. ' Curucshetra, Matsya, Panchala, or Cá-¿ nyacubja, and Súraféna, or Mat'burà, form the

region, called Brahmarshi, distinguished from

· Brabmáverta:

20. 'From a Bráhmen, who was born in that country, let all men on earth learn their feveral usages.

21. 'That country, which lies between Himawat and Vindbya, to the east of Vinas'ana, and

to the west of Prayaga, is celebrated by the

title of Medbya-defa, or the central region.

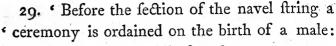
22. 'As far as the eastern, and as far as the western, oceans between the two mountains

' just mentioned, lies the tract, which the wife

' have named Ariaverta, or inhabited by respectable men.

23. 'That land, on which the black antelope

- * naturally grazes, is held fit for the performance
- of facrifices; but the land of Mléch'has, or
- · those who speak barbarously, differs widely from it.
- 24. 'Let the three first classes invariably
- ' dwell in those before-mentioned countries; but
- ' a Súdra, distressed for subsistence, may sojourn
- ' wherever he chuses.
 - 25. 'Thus has the origin of law been fuc-
- ' cinctly declared to you, together with the form-
- 'ation of this universe: now learn the laws
- ' of the feveral classes.
 - 26. 'WITH auspicious acts prescribed by the
- ' Veda, must ceremonies on conception and so
- forth, be duly performed, which purify the
- ' bodies of the three classes in this life, and qualify
- ' them for the next.
 - 27. 'By oblations to fire during the mother's
- * pregnancy, by holy rites on the birth of the
- 'child, by the tonfure of his head with a lock
- ' of hair left on it, by the ligation of the facri-
- ficial cord, are the feminal and uterine taints of
- ' the three classes wholly removed:
- 28. 'By studying the Véda, by religious ob-
- fervances, by oblations to fire, by the ceremony
- of Traividia, by offering to the Gods and
- 'Manes, by the procreation of children, by the
- ' five great facraments, and by folemn facrifices,
- this human body is rendered fit for a divine state.



he must be made, while facred texts are pro-

nounced, to taste a little honey and clarified

butter from a golden spoon.

30. 'Let the father perform or, if absent, cause to be performed, on the tenth or twelfth day

' after the birth, the ceremony of giving a name;

or on some fortunate day of the moon, at a

lucky hour, and under the influence of a star

' with good qualities.

31. 'The first part of a Bráhmen's compound

' name should indicate holiness; of a Cshatriya's,

' power; of a Vaisya's, wealth; and of a Súdra's,

contempt:

32. 'Let the second part of the priest's name 'imply prosperity; of the soldier's, preservation;

of the merchant's, nourishment; of the ser-

' vant's, humble attendance.

33. 'The names of women should be agree-

'able, foft, clear, captivating the fancy, auspi-

' cious, ending in long vowels, refembling words

' of benediction.

34. ' In the fourth month the child should be

carried out of the house to see the sun: in the

fixth month, he should be fed with rice; or that

' may be done, which, by the custom of the fa-

' mily, is thought most propitious.

35. ' By the command of the Véda, the cere-

- ' mony of tonfure should be legally performed
- ' by the three firft classes in the first or third year
- after birth.
- 36. 'In the eighth year from the conception
- of a Bráhmen, in the eleventh from that of a
- ' Cshatriya, and in the twelfth from that of a
- ' Vaifya, let the father invest the child with the
- ' mark of his class:
 - 37. 'Should a Brahmen, or bis father for bim,
- be desirous of his advancement in sacred know-
- ' ledge, a Cshatriya of extending his power, or
- ' a Vaifya of engaging in mercantile bufiness,
- ' the investiture may be made in the fifth, fixth,
- or eighth years respectively.
 - 38. 'The ceremony of investiture hallowed
- by the gáyatri must not be delayed, in the case
- of a priest, beyond the sixteenth year; nor,
- 'in that of a foldier, beyond the twenty-second;
- onor in that of a merchant, beyond the twenty-
- ' fourth.
- 39. ' After that, all youths of these three classes,
- ' who have not been invested at the proper time,
- ' become vrátyas, or outcasts, degraded from the
- 'gáyatrí, and contemned by the virtuous:
- 40. 'With fuch impure men, let no Bråhmen,
- even in distress for subsistence, ever form a
- ' connexion in law, either by the study of the
- ' Veda, or by affinity.
 - 41. 'Let students in theology wear for

- ' their mantles the hides of black antelopes, of
- common deer, or of goats with lower vefts of
- woven s'ana, of cshumà, and of wool, in the
- direct order of the classes.
- 42. 'The girdle of a priest must be made of
- ' munja, in a triple cord, fmooth and foft; that
- of a warrior must be a bow string of murvá;
- that of a merchant, a triple thread of s'ana.
 - 43. 'If the munja be not procurable, their
- zones must be formed respectively of the grasses
- cusa, asmántaca, valvaja, in triple strings with
- one, three, or five knots, according to the family

· custom.

- 44. 'The facrificial thread of a Brahmen
- must be made of cotton, so as to be put on
- over his head, in three strings; that of a Csha-
- triya, of sana thread only; that of a Vais'ya of
- woollen thread.
 - 45. ' A priest ought by law to carry a staff of
- · Bilva or Palása, a soldier, of Bata or C'hadira;
- 'a merchant of Vénu, or Udumbara:
 - 46. 'The staff of a priest must be of such a
- 'length as to reach his hair; that of a foldier,
- ' to reach his forehead; and that of a merchant,
- ' to reach his nofe.
- 47. 'Let all the flaves be straight, without
- ' fracture, of a handsome appearance, not likely
- 'to terrify men, with their bark perfect, unhurt'by fire.

- 48. 'Having taken a legal staff to his liking,
- ' and standing opposite to the sun, let the stu-
- dent thrice walk round the fire from left to
- ' right, and perform, according to law, the cere-
- ' mony of asking food:
 - 49. 'The most excellent of the three classes,
- being girt with the facrificial thread, must ask
- ' food with the respectful word bhavati, at the
- beginning of the phrase; those of the second
- class, with that word in the middle; and those
- of the third, with that word at the end.
 - 50. Let him first beg food of his mother, or
- of his fifter, or of his mother's whole fifter; and
- ' then of some other female who will not difgrace
- 'him.
 - 51. ' Having collected as much of the defired
- ' food as he has occasion for, and having pre-
- fented it without guile to his preceptor, let
- ' him eat fome of it, being duly purified, with
- ' his face to the east:
 - 52. 'If he feek long life, he should eat with
- 'his face to the east; if exalted fame, to the
- ' fouth; if prosperity, to the west; if truth and its
- ' reward, to the north.
 - 53. 'Let the student, having performed his
- ' ablution, always eat his food without diftrac-
- tion of mind; and, having eaten, let him thrice
- ' wash his mouth completely, sprinkling with

- water the fix hollow parts of his head, or his eyes, ears, and nostrils.
- . 54. 'Let him honour all his food, and eat it
- without contempt; when he fees it, let him re-
- 'joice and be calm, and pray, that he may always obtain it.
- . 55. Food, eaten constantly with respect,
- gives muscular force and generative power; but,
- eaten irreverently, destroys them both.
- 56. He must beware of giving any man
- what he leaves; and of eating any thing be-
- tween morning and evening: he must also be-
- ware of eating too much, and of going any
- whither with a remnant of his food unfwal-
- · lowed.
- 57. Excessive eating is prejudicial to health,
- to fame, and to future blifs in heaven; it is in-
- "jurious to virtue, and odious among men: he
- ' must, for these reasons, by all means avoid it.
 - 58. 'Let a Bråbmen at all times perform the
- ' ablution with the pure part of his hand deno-
- ' minated from the Veda, or with the part facred
- ' to the Lord of creatures, or with that dedicated
- ' to the Gods; but never with the part named
- from the Pitris:
- 59. 'The pure part under the root of the
- ' thumb is called Brábma; that at the root of the
- 'little finger, Cáya; that at the tips of the fingers,

• Daiva; and the part between the thumb and the • index, Pitrya.

60. 'Let him first sip water thrice; then 'twice wipe his mouth; and lastly touch with 'water the six before mentioned cavities, his

breast, and his head.

61. 'He, who knows the law, and feeks purity, will ever perform his ablution with the pure part of his hand, and with water neither hot nor frothy, standing in a lonely place, and turning to the east or the north.

62. 'A Bráhmen is purified by water that 'reaches his bosom; a Cshatriya, by water deficending to his throat; a Vaisya, by water 'barely taken into his mouth; a Súdra by water

touched with the extremity of his lips.
63. 'A youth of the three highest classes is

' named upaviti, when his right hand is extended ' for the cord to pass over his head and be fixed on

· his left shoulder; when his left hand is extended,

that the thread may be placed on his right shoulder;

' he is called práchínávítí; and nivití, when it is

fastened on his neck.

64. 'His girdle, his leathern mantle, his staff,

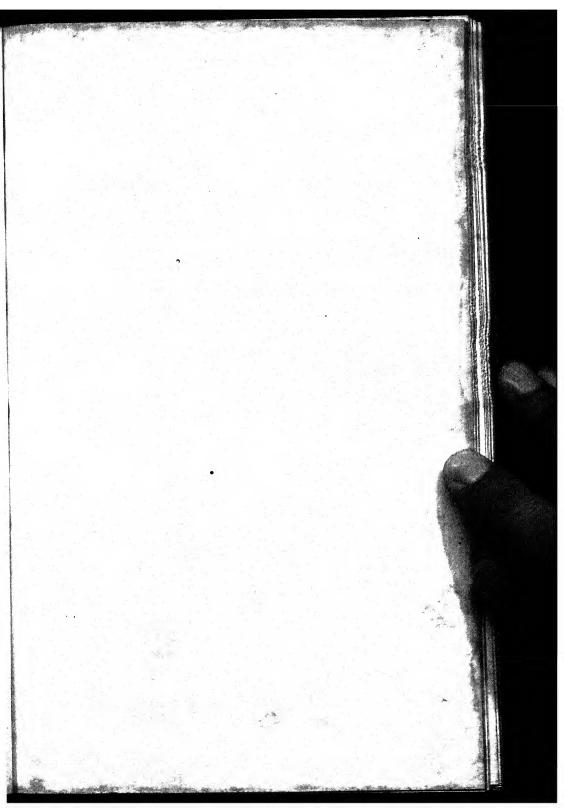
' his facrificial cord, and his ewer, he must throw

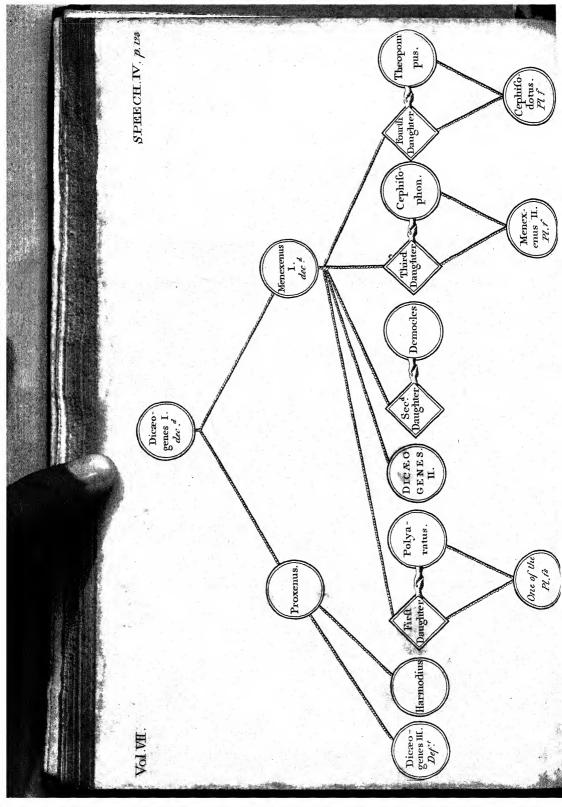
'into the water, when they are worn out or

' broken, and receive others hallowed by mystical

texts.
65. The ceremony of cesanta, or cutting off

- ' the bair, is ordained for a priest in the fixteenth
- year from conception; for a foldier, in the
- twenty-second; for a merchant, two years later
- than that.
 - 66. 'The same ceremonies, except that of the
- · facrificial thread, must be duly performed for
- women at the same age and in the same order,
- that the body may be made perfect; but with-
- out any texts from the Véda:
 - 67. 'The nuptial ceremony is confidered as
- the complete institution of women, ordained
- for them in the Véda, together with rever-
- ence to their husbands, dwelling first in their
- father's family, the business of the house, and
- attention to facred fire.
 - 63. Such is the revealed law of institution
- for the twice born; an institution, in which
- their fecond birth clearly confifts, and which
- causes their advancement in holiness: now
- · learn to what duties they must afterwards ap-
- · ply themselves.
 - 69. 'THE venerable preceptor, having girt
- his pupil with the thread, must first instruct
- him in purification, in good customs, in the
- * management of the confecrated fire, and in the
- holy rites of morning, noon, and evening.
 - 70. 'When the student is going to read the
- · Véda, he must perform an ablution, as the law
- ordains, with his face to the north; and hav-





- ing paid scriptural homage, he must receive in-
- ftruction, wearing a clean vest, his members
- 'being duly composed:
 - 71. 'At the beginning and end of the lecture,
- he must always clasp both the feet of his pre-
- ceptor; and he must read with both his hands
- ' closed: (this is called scriptural homage.)
 - 72. With croffed hands let him clasp the
- feet of his tutor, touching the left foot with his
- ' left, and the right with his right, hand.
- 73. When he is prepared for the lecture, the
- ' preceptor, constantly attentive, must say:
- "hoa! read;" and, at the close of the lesson, he
- ' must fay: "take rest."
- 74. 'A Brahmen, beginning and ending a
- ' lecture on the Veda, must always pronounce to
- ' himself the syllable om; for, unless the syllable
- 6 om precede, his learning will slip away from
- 'him; and, unless it follow, nothing will be
- long retained.
- 75. If he have fitten on culms of cus'a with
- 'their points towards the east, and be purified
- by rubbing that holy grass on both his hands,
- ' and be further prepared by three suppressions of
- breath, each equal in time to five fort vowels, he
- then may fitly pronounce om.
 - 76. BRAHMA milked out, as it were, from
- the three Vedas, the letter A, the letter U,
- and the letter M, which form by their coali-

tion the triliteral monofyllable, together with three mysterious words, bhur, bhuvah, swer, or earth,

* Tky, beaven:

77. From the three Vedas also the Lord of creatures, incomprehenfibly exalted, fuccef-

· fively milked out the three measures of that

'ineffable text, beginning with the word tad,

and entitled savitri or gayatri.

78. ' A priest who shall know the Véda, and ' shall pronounce to himself, both morning and

evening, that fyllable, and that holy text pre-

ceded by the three words, shall attain the fanc-

tity which the Véda confers;

79. And a twice born man, who shall a thousand times repeat those three (or om, the

" wyáhritis, and the gáyatrí,) apart from the mul-

' titude, shall be released in a month even from

a great offence, as a snake from his slough.

80. 'The priest, the soldier, and the merchant, who shall neglect this mysterious text,

and fail to perform in due feason his peculiar.

' acts of piety, shall meet with contempt among the virtuous.

81. The three great immutable words, pre-' ceded by the triliteral fyllable, and followed by

the gayatri, which confifts of three measures,

'must be considered as the mouth, or principal ' part, of the Veda:

82. 'Whoever shall repeat, day by day for

- three years, without negligence, that facred
- text, shall bereafter approach the divine effence,
- ' move as freely as air, and affume an ethereal form.
 - 83. 'The triliteral monofyllable is an emblem of
- ' the Supreme; the suppressions of breath with a
- ' mind fixed on God, are the highest devotion;
- but nothing is more exalted than the gayatri:
- ' a declaration of truth is more excellent than
- filence.
 - 84. All rites ordained in the Vėda, oblations
- ' to fire, and folemn facrifices, pass away; but
- that, which passes not away, is declared to be
- ' the fyllable om, thence called acshara; fince it
- ' is a symbol of GoD, the Lord of created Beings.
 - 85. 'The act of repeating his Holy Name is
- ' ten times better, than the appointed facrifice; a
- ' hundred times better, when it is heard by no
- ' man; and a thousand times better, when it is .
- ' purely mental:
- 86. 'The four domestic facraments, which
- ' are accompanied with the appointed facrifice,
- ' are not equal, though all be united, to a fix-
- ' teenth part of the facrifice performed by a re-
- · petition of the gáyatri:
- 87. 'By the fole repetition of the gáyatri, a
- priest may indubitably attain beatitude, let him
- ' perform, or not perform, any other religious
- 'act; if he be Maitra, or a friend to all creatures,

- he is justly named Bráhmena, or united to the Great One.
- 88. 'In restraining the organs, which run wild among ravishing sensualities, a wife man
- will apply diligent care, like a charioteer in managing restive horses.
- 89. 'Those eleven organs, to which the first
- ages gave names, I will comprehensively enu-
- merate, as the law confiders them, in due order.
 - go. 'The nose is the fifth, after the ears, the
- fkin, the eyes, and the tongue; and the organs
- of speech are reckoned the tenth, after those of
- excretion and generation, and the hands and
- · feet:
- 91. 'Five of them, the ear and the rest in
- fuccession, learned men have called organs of
- fense; and the others, organs of action:
 - 92. 'The heart must be considered as the
- eleventh; which, by its natural property, com-
- prifes both fense and action; and which being
- fubdued, the other two fets, with five in each,
- are also controlled.
- 93. A man, by the attachment of his organs
- ' to fenfual pleasure, incurs certain guilt; but,
- ' having wholly fubdued them, he thence attains
- ' heavenly blifs.
 - 94. 'Defire is never fatisfied with the enjoy-

- * ment of defired objects; as the fire is not ap-
- ' peased with clarified butter; it only blazes
- ' more vehemently.
 - 95. 'Whatever man may obtain all those gra-
- ' tifications, or whatever man may refign them
- ' completely, the refignation of all pleasures is far
- ' better than the attainment of them.
 - 96. 'The organs, being strongly attached to
- ' fenfual delights, cannot fo effectually be re-
- ' ftrained by avoiding incentives to pleafure, as
- by a constant pursuit of divine knowledge.
 - 97. 'To a man contaminated by fenfuality
- ' neither the Vėdas, nor liberality, nor facrifices,
- ' nor strict observances, nor pious austerities,
- ever procure felicity.
 - 98. 'He must be considered as really tri-
- ' umphant over his organs, who, on hearing and
- ' touching, on feeing and tasting and smelling,
- ' what may please or offend the senses, neither
- ' greatly rejoices nor greatly repines:
 - 99. 'But, when one among all his organs fails,
- by that fingle failure his knowledge of GoD.
- ' passes away, as water flows through one hole in
- a leathern bottle.
 - 100. 'Having kept all his members of fense
- ' and action under control, and obtained also
- ' command over his heart, he will enjoy every
- * advantage, even though he reduce not his body
- ' by religious aufterities.
 - 101. 'At the morning twilight, let him stand

repeating the gáyatri, until he see the sun;

and, at evening twilight, let him repeat it fitting

until the stars distinctly appear:

102. 'He, who stands repeating it at the morn-

'ing twilight, removes all unknown nocturnal fin;

and he, who repeats it fitting at evening twi-

' light, disperses the taint, that has unknowingly

been contracted in the day;

103. 'But he, who stands not repeating it in

the morning, and fits not repeating it in

the evening, must be precluded, like a Súdra,

from every facred observance of the twice born

classes.

104. 'Near pure water, with his organs holden

under control, and retiring with circumfpection

* to some unfrequented place, let him pronounce

the gáyatrí, performing daily ceremonies.

105. 'In reading the Vedángas, or grammar,

prosody, mathematicks, and so forth, or even

fuch parts of the Vėda, as ought constantly to be

read, there is no prohibition on particular days;

nor in pronouncing the texts appointed for ob-

' lations to fire:

106. 'Of that, which must constantly be

read, and is therefore called Brahmasatra,

there can be no fuch prohibition; and the ob-

· lation to fire, according to the Veda, produces

good fruit, though accompanied with the text

' vashat', which on other occasions must be inter-

' mitted on certain days.

107. 'For him, who shall persist a whole year

in reading the Vėda, his organs being kept in

'fubjection, and his body pure, there will al-

' ways rife good fruit from his offerings of milk

and curds, of clarified butter and honey.

108. LET the twice born youth, who has

been girt with the facrificial cord, collect wood

for the holy fire, beg food of his relations,

' fleep on a low bed, and perform fuch offices as

' may please his preceptor, until his return to the

' house of his natural father.

109. 'Ten persons may legally be instructed

' in the Veda; the fon of a spiritual teacher; a

' boy, who is affiduous; one who can impart

' other knowledge; one who is just; one who is

' pure; one who is friendly; one who is power-

'ful; one who can bestow wealth; one who is

' honest; and one who is related by blood.

110. Let not a sensible teacher tell any

'other what he is not asked, nor what he is

'asked improperly; but let him, however in-

'telligent, act in the multitude, as if he were

' dumb:

111. 'Of the two persons, him, who illegally

' asks, and him, who illegally answers; one will

' die, or incur odium.

112. 'Where virtue, and wealth sufficient to

· fecure it, are not found, or diligent attention, at

' least proportioned to the holiness of the subject,

in that foil divine instruction must not be sown:

it would perish, like fine seed in barren land.

113. 'A teacher of the Vėda should rather die

with his learning, than fow it in sterile soil,

even though he be in grievous distress for sub-

fiftence.

114. 'Sacred Learning, having approached a

· Brahmen, said to him: "I am thy precious gem;

" preserve me with care; deliver me not to a

" fcorner; (fo preserved I shall become supremely

" ftrong.)

115. "But communicate me, as to a vigilant

" depositary of thy gem, to that student, whom

" thou shalt know to be pure, to have subdued

" his passions, to perform the duties of his order."

116. 'He, who shall acquire knowledge of the

· Vėda, without the affent of his preceptor, in-

' curs the guilt of stealing the scripture, and shall

' fink to the region of torment.

117. From whatever teacher a student has

received instruction, either popular, ceremo-

' nial, or facred, let him first salute his instructor,

when they meet.

118. ' A Bráhmen, who completely governs

' his passions, though he know the gáyatrí only,

is more honourable than he, who governs not

. his paffions, who eats all forts of food, and fells

all forts of commodities, even though he know

the three Vedas.

119. 'When a fuperiour fits on a couch or

bench, let not an inferiour fit on it with him;

' and, if an inferiour be fitting on a couch, let

' him rife to falute a fuperiour.

120. 'The vital spirits of a young man mount

' upwards to depart from him, when an elder ap-

' proaches; but, by rifing and falutation, he re-

covers them.

121. 'A youth, who habitually greets and constantly reveres the aged, obtains an increase

of four things; life, knowledge, fame, strength.

122. 'After the word of falutation, a Bráb-

"men must address an elder, saying: "I am such "an one;" pronouncing his own name.

123. 'If any persons, through ignorance of

' the Sanscrit language, understand not the im-

' port of his name, to them should a learned man

' fay: "It is I;" and in that manner he should

' address all classes of women.

124. In the falutation he should pronounce,

'after his own name, the vocative particle bhos;

' for the particle bbos is held by the wife to have

' the same property with names fully expressed.

125. ' A Bråhmen should thus be saluted in

'return: " May'ft thou live long, excellent

" man!" and, at the end of his name, the vowel

' and preceding confonant should be lengthened,

with an accute accent, to three fyllabick mo-

' ments, or short vorvels.

126. 'That Brahmen, who knows not the

form of returning a falutation, must not be saluted by a man of learning: as a Súdra, even

fo is he.

127. Let a learned man aska priest, when he meets him, if his devotion prospers; a warriour,

if he is unhurt; a merchant, if his wealth is

' fecure; and one of the fervile class, if he

enjoys good health; using respectively the

words, cus'alam, anamayam, cshémam, and

· árógyam.

128. 'He, who has just performed a solemn facrifice and ablution, must not be addressed by

· his name, even though he be a younger man;

but he, who knows the law, should accost him

with the vocative particle, or with bhavat, the

· pronoun of respect.

129. 'To the wife of another, and to any woman not related by blood, he must fay, "bhavati, and amiable sister."

130. 'To his uncles paternal and maternal, to his wife's father, to performers of the facrifice, and to spiritual teachers, he must say: "I am

"fuch an one", rifing up to falute them, even

* though younger than himfelf.

131. 'The fifter of his mother, the wife of his maternal uncle, his own wife's mother, and the fifter of his father, must be faluted like the

wife of his father or preceptor: they are equal

to his father's or his preceptor's wife.

132. 'The wife of his brother, if she be of

" the same class, must be saluted every day; but

his paternal and maternal kinfwomen need only

be greeted on his return from a journey.

133. 'With the fifter of his father and of his

' mother, and with his own elder fifter, let him

demean himself as with his mother; though

' his mother be more venerable than they.

134. 'Fellow citizens are equal for ten years;

dancers and fingers, for five; learned theolo-

egians, for less than three; but persons related

by blood, for a short time: that is, a greater

· difference of age destroys their equality.

135. 'The student must consider a Bråbmen,

'though but ten years old, and a Cshatriya,

though aged a hundred years, as father and

' fon; as between those two, the young Bråhmen

' is to be respected as the father.

136. 'Wealth, kindred, age, moral conduct,

and, fifthly, divine knowledge, entitle men to

' respect; but that, which is last mentioned in

order, is the most respectable.

137. 'Whatever man of the three bigheft

· classes possesses the most of those five, both in

' number and degree, that man is entitled to most

respect; even a Súdra, if he have entered the

f tenth decad of his age.

138. Way must be made for a man in a wheeled carriage, or above ninety years old, or

f afflicted with disease, or carrying a burden; for

& a woman; for a priest just returned from the

· mansion of his preceptor; for a prince, and for

a bridegroom:

139. Among all those, if they be met at one time, the priest just returned home and the

prince are most to be honoured; and of those

two, the priest just returned should be treated

with more respect than the prince.

140. 'That prieft, who girds his pupil with the facrificial cord, and afterwards instructs him

in the whole Véda, with the law of facrifice and

the facred Upanishads, holy fages call an acharya:

141. 'But he, who, for his livelihood, gives instruction in a part only of the Veda, or in

grammar, and other Védángas, is called an

· upádbyáya, or fublecturer.

142. The father, who performs the ceremonies on conception and the like, according

to law, and who nourishes the child with his first rice, has the epithet of guru, or venerable.

143. 'He, who receives a stipend for prepar-

ing the holy fire, for conducting the páca and

' agnishtóma, and for performing other sacrifices,

' is called in this code the ritwij of his employer.

144. 'He, who truly and faithfully fills both

ears with the Veda, must be considered as

f equal to a mother; He must be revered as a

father; Him the pupil must never grieve.

145. 'A mere áchárya, or a teacher of the 'gáyatrí only, surpasses ten upádbyáyas; a fa-'ther, a hundred such ácháryas; and a mother, 'a thousand natural fathers.

146. 'Of him, who gives natural birth, and him, who gives knowledge of the whole Véda, the giver of facred knowledge is the more venerable father; fince the fecond or divine birth ensures life to the twice born both in this world

' and hereafter eternally.

147. Let a man confider that as a mere hu-'man birth, which his parents gave him for 'their mutual gratification, and which he re-'ceives after lying in the womb;

148. 'But that birth, which his principal 'áchárya who knows the whole Vėda, procures 'for him by his divine mother the Gáyatri, is a 'true birth: that birth is exempt from age and

from death.

nefit of facred learning, whether it be little or much, let him know to be here named guru, or venerable father, in consequence of that heavenly benefit.

150. 'A Bråhmen, who is the giver of spiritual birth, the teacher of prescribed duty, is by 'right called the sather of an old man, though 'himself be a child.

151. 'CAVI, or the learned, child of Angiras,

' taught his paternal uncles and coufins to read the

· Véda, and, excelling them in divine knowledge,

' faid to them "little fons:"

152. 'They, moved with refentment, asked the Gods the meaning of that expression; and the Gods, being assembled, answered them:

"The child has addressed you properly;

153. "For an unlearned man is in truth a "child; and he, who teaches him the Véda, is "his father: holy sages have always said child "to an ignorant man, and father to a teacher of "fcripture."

154. 'Greatness is not conferred by years, 'not by gray hairs, not by wealth, not by powerful kindred; the divine sages have established this rule: "Whoever has read the Védas and their Angas, He among us is great."

155. 'The seniority of priests is from sacred searning; of warriours, from valour; of merchants, from abundance of grain; of the service sclass, only from priority of birth.

156. 'A man is not therefore aged, because this head is gray: him, surely, the Gods considered as aged, who, though young in years, has read and understands the Véda.

157. 'As an elephant made of wood, as an

* antelope made of leather, fuch is an unlearned * Bráhmen: those three have nothing but names.

158. ' As an eunuch is unproductive with

- ' women, as a cow with a cow is unprolifick, as
- · liberality to a fool is fruitless, so is a Bráhmen
- ' useless, if he read not the holy texts.
 - 159. Good instruction must be given with-
- out pain to the instructed; and sweet gentle
- ' fpeech must be used by a preceptor, who
- cherishes virtue.
 - 160. 'He, whose discourse and heart are
- pure, and ever perfectly guarded, attains all
- the fruit arifing from his complete course of
- ' studying the Veda.
 - 161. Let not a man be querulous, even
- 'though in pain: let him not injure another in
- deed or in thought; let him not even utter a
- ' word, by which his fellow creature may fuffer
- uneafiness; fince that will obstruct his own
- progress to future beatitude.
- 162. ' A Bráhmen should constantly shun
- worldly honour, as he would shun poison;
- and rather constantly seek disrespect, as he
- would feek nectar;
- 163. 'For though fcorned, he may fleep with
- 'pleasure; with pleasure may he awake; with
- pleasure may he pass through this life: but the
- · fcorner utterly perifhes.
 - 164. 'Let the twice born youth, whose foul
- has been formed by this regular fuccession of
- ' prescribed acts, collect by degrees, while he
- 'dwells with his preceptor, the devout habits
- f proceeding from the study of scripture.

165. 'With various modes of devotion, and with aufterities ordained by the law, must the

whole Véda be read, and above all the facred

" Upanishads, by him, who has received a new birth.

166. Let the best of the twice born classes,

' intending to practife devotion, continually re-' peat the reading of scripture; since a repetition

of reading the scripture is here styled the

' highest devotion of a Brábmen:

167. 'Yes verily; that student in theology ' performs the highest act of devotion with his

' whole body to the extremities of his nails, even

' though he be so far sensual as to wear a chaplet

of fweet flowers, who to the utmost of his abi-

' lity daily reads the Véda.

168. 'A twice born man, who, not having

' studied the Vėda, applies diligent attention to

' a different and worldly study, soon falls, even

when living, to the condition of a Súdra; and

' his descendants after him.

160. 'The first birth is from a natural mother;

' the fecond, from the ligation of the zone; the

' third, from the due performance of the facri-

' fice; fuch are the births of him, who is usually

' called twice born, according to the text of the

· Véda:

170. 'Among them his divine birth is that,

which is distinguished by the ligation of the

'zone and facrificial cord; and in that birth the

- Gáyatri is his mother, and the Achárya, his father.
- 171. 'Sages call the Achárya father from his 'giving instruction in the Véda: nor can any
- ' holy rite be performed by a young man before
- his investiture.
- 172. 'Till he be invested with the signs of his
- ' cla/s, he must not pronounce any facred text,
- except what dught to be used in obsequies to
- an ancestor; since he is on a level with a Sudra
- before his new birth from the revealed scrip-
- fure:
 - 173. 'From him, who has been duly invested,
- ' are required both the performance of devout
- 'acts, and the study of the Véda in order, pre-
- ' ceded by flated ceremonies.
 - 174 'Whatever fort of leathern mantle, fa-
- ' crificial thread, and zone, whatever staff, and
- ' whatever under-apparel are ordained, as before
- ' mentioned, for a youth of each class, the like
- ' must also be used in his religious acts.
 - 175. 'These following rules must a Brahma-
- ' chari, or fludent in theology, observe, while he
- 'dwells with his preceptor; keeping all his
- ' members under control, for the fake of increaf-
- ' ing his habitual devotion.
- 176. 'Day by day, having bathed and being
- ' purified, let him offer fresh water to the Gods,
- ' the Sages, and the Manes; let him show respect

to the images of the deities, and bring wood

for the oblation to fire.

177. Let him abstain from honey, from flesh meat, from perfumes, from chaplets of

flowers, from fweet vegetable juices, from wo-

men, from all fweet fubstances turned acid,

' and from injury to animated beings;

178. From unguents for his limbs, and from

black powder for his eyes, from wearing fan-

' dals and carrying an umbrella, from sensual

' desire, from wrath, from covetousness, from

dancing, and from vocal and inftrumental

' musick;

179. 'From gaming, from disputes, from de-

traction, and from falsehood, from embracing

or wantonly looking at women, and from dif-

'.fervice to other men.

180. 'Let him fleep constantly alone: let

' him never waste his own manhood; for he,

' who voluntarily wastes his manhood, violates

' the rule of his order, and becomes an avacírní:

181. A twice born youth, who has involun-

f tarily wasted his manly strength during sleep,

' must repeat with reverence, having bathed and

paid homage to the fun, this text of scripture:

" Again let my strength return to me."

182. 'Let him carry water-pots, flowers,

'cow-dung, fresh earth, and cus a-glass, as much

' as may be useful to his preceptor; and let him

' perform every day the duty of a religious men-

183. 'Each day must a Bráhmen student re-'ceive his food by begging, with due care, from

' the houses of persons renowned for discharging

'their duties, and not deficient in performing

the facrifices, which the Véda ordains.

184. 'Let him not beg from the cousins of his preceptor; nor from his own cousins; nor

' from other kinsmen by the father's side, or by

the mother's; but, if other houses be not acces-

'fible, let him begin with the last of those in

' order, avoiding the first;

185. 'Or, if none of those houses just men-

tioned can be found, let him go begging

through the whole district round the village,

'keeping his organs in subjection, and remaining filent: but let him turn away from such,

as have committed any deadly fin.

186. 'Having brought logs of wood from a

distance, let him place them in the open air;

and with them let him make an oblation to

' fire, without remissness, both evening and

' morning.

187. 'He, who for seven successive days omits

' the ceremony of begging food, and offers not

' wood to the facred fire, must perform the

' penance of an avacirni, unless he be afflicted

with illness.

188. Let the student persist constantly in fuch begging, but let him not eat the food of one person only: the subsistence of a student by begging is held equal to fasting in religious merit.

189. 'Yet, when he is asked on a solemn act in honour of the Gods or the Manes, he may eat at his pleasure the food of a single person; observing, however, the laws of abstinence and the austerity of an anchoret: thus the rule of his order is kept inviolate.

190. 'This duty of a mendicant is ordained by the wife for a *Bráhmen* only; but no fuch act is appointed for a warriour or for a merchant.

191. 'Let the scholar, when commanded by his preceptor, and even when he has re'ceived no command, always exert himself in reading, and in all acts useful to his teacher.

192. 'Keeping in due subjection his body,
'his speech, his organs of sense, and his heart,
'let him stand, with the palms of his hands
'joined, looking at the face of his preceptor.

193. 'Let him always keep his right arm 'uncovered, be always decently apparelled, and 'properly composed; and, when his instructor 'fays "be seated," let him sit opposite to his 'venerable guide.

194. 'In the presence of his preceptor let

- ' him always eat lefs, and wear a coarfer mantle
- ' with worse appendages: let him rise before, and
- ' go to rest after, his tutor.
 - 195. 'Let him not answer his teacher's or-
- ' ders, or converse with him, reclining on a bed;
- ' nor fitting, nor eating, nor flanding, nor with
- ' an averted face.
- 196. 'But let him both answer and converse,
- if his preceptor fit, flanding up; if he fland,
- ' advancing toward him; if he advance, meeting
- ' him; if he run, hastening after him.
 - 197. 'If his face be averted, going round to
- ' front him, from left to right; if he be at a little
- ' distance, approaching him; if reclined, bending
- ' to him; and, if he stand ever so far off, running
- ' toward him.
 - 198. 'When his teacher is nigh, let his couch
- or his bench be always placed low: when his
- ' preceptor's eye can observe him, let him not fit
- ' carelessly at ease.
- 199. 'Let him never pronounce the mere
- ' name of his tutor, even in his absence; nor
- 'ever mimick his gait, his speech, or his
- ' manner.
- 200. 'In whatever place, either true but cen-
- ' forious, or false and defamatory, discourse is
- ' held concerning his teacher, let him there cover
- his ears, or remove to another place.

201. 'By cenfuring his preceptor, though 'justly, he will be born an ass; by falfely de-

faming him, a dog; by using his goods with-

ant love a fmall worm, by envying his merit.

out leave, a fmall worm; by envying his merit,

' a larger insect or reptile.

202. 'He must not serve his tutor by the in-

tervention of another, while himself stands

' aloof; nor must he attend him in a passion, nor

when a woman is near: from a carriage or

raised seat he must descend to salute his

heavenly director.

203. 'Let him not fit with his preceptor to

the leeward or to the windward of him; nor

Let him fay any thing, which the venerable man

cannot hear.

204. 'He may fit with his teacher in a car-

' riage drawn by bulls, horses, or camels; on a

terrace, on a pavement of stones, or on a mat

'of woven grass; on a rock, on a wooden

bench, or in a boat.

205. 'When his tutor's tutor is near, let

'him demean himself as if his own were

'present; nor let him, unless ordered by his

'spiritual father, prostrate himself in his pre-

' fence before his natural father, or paternal uncle. 206. 'This is likewise ordained as his constant

behaviour toward his other inftructors in sci-

ence; toward his elder paternal kinfmen; to-

ward all, who may restrain him from sin, and

' all, who give him falutary advice.

207. 'Toward men also, who are truly vir-

'tuous, let him always behave as toward his

' preceptor; and in like manner toward the fons

of his teacher, who are entitled to respect as

'older men, and are not students; and toward the

' paternal kinsmen of his venerable tutor.

208. 'The fon of his preceptor, whether

' younger or of equal age, or a student, if he

' be capable of teaching the Véda, deserves the

' fame honour with the preceptor himself, when

be is present at any facrificial act:

209. 'But he must not perform for the son

of his teacher the duty of rubbing his limbs,

or of bathing him, or of eating what he leaves,

or of washing his feet.

210. 'The wives of his preceptor, if they

' be of the same class, must receive equal ho-

' nour with their venerable husband; but, if they

be of a different class, they must be honoured

only by rifing and falutation.

211. 'For no wife of his teacher must he

' perform the offices of pouring scented oil on

' them, of attending them while they bathe, of

rubbing their legs and arms, or of decking their

· hair;

212. 'Nor must a young wife of his precep-

tor be greeted even by the ceremony of touch-

ing his feet, if he have completed his twentieth

year, or can distinguish virtue from vice.

213. 'It is the nature of women in this world

to cause the seduction of men; for which rea-

fon the wife are never unguarded in the com-

' pany of females:

214. A female, indeed, is able to draw from

the right path in this life not a fool only, but

even a fage, and can lead him in subjection to

defire or to wrath.

215. 'Let not a man, therefore, sit in a sequestered place with his nearest female relations: the affemblage of corporeal organs is ' powerful enough to fnatch wifdom from the wife.

216. A young student may, as the law directs, make proftration at his pleasure on the ' ground before a young wife of his tutor, faying:

"I am fuch an one;"

217. 'And, on his return from a journey, he must once touch the feet of his preceptor's

aged wife, and falute her each day by proftra-

tion, calling to mind the practice of virtuous

men.

218. As he, who digs deep with a spade,

comes to a spring of water, so the student, who

humbly ferves his teacher, attains the know-

· ledge which lies deep in his teacher's mind.

219. WHETHER his head be shorn, or his

hair long, or one lock be bound above in a

knot, let not the fun ever fet or rise, while he

' lies asleep in the village.

220. 'If the fun should rife or set, while he

fleeps through fenfual indulgence, and knows

it not; he must fast a whole day repeating the gayatri:

221. 'He, who has been furprifed afleep by the fetting or by the rifing fun, and performs

onot that penance, incurs great guilt.

222. Let him adore God both at funrise

and at funfet, as the law ordains, having made

' his ablution and keeping his organs controlled;

and, with fixed attention, let him repeat the

text, which he ought to repeat, in a place free from impurity.

223. 'If a woman or a Súdra perform any

'act leading to the chief temporal good, let the

' student be careful to emulate it; and he may do

whatever gratifies his heart, unless it be for-

bidden by law:

224. 'The chief temporal good is by fome declared to confift in virtue and wealth; by

fome, in wealth and lawful pleasure; by

fome, in virtue alone; by others, in wealth

alone; but the chief good here below is an

' affemblage of all three: this is a fure decision.

225. A TEACHER of the Veda is the image

of God; a natural father, the image of BRAH-

'MA'; a mother, the image of the earth; an

elder whole brother, the image of the foul:

226. 'Therefore, a spiritual and a natural fa-

ther, a mother, and an elder brother, are not

to be treated with difrespect, especially by a

Brahmen, though the student be grievously

provoked.

'and father undergo in producing and rearing 'children, cannot be compensated in an hundred 'vears.

228. 'Let every man constantly do what may

please his parents, and on all occasions what

'may please his preceptor: when those three

' are fatisfied, his whole courfe of devotion is

accomplished.

229. Due reverence to those three is con-

' fidered as the highest devotion; and without

' their approbation he must perform no other

' duty.

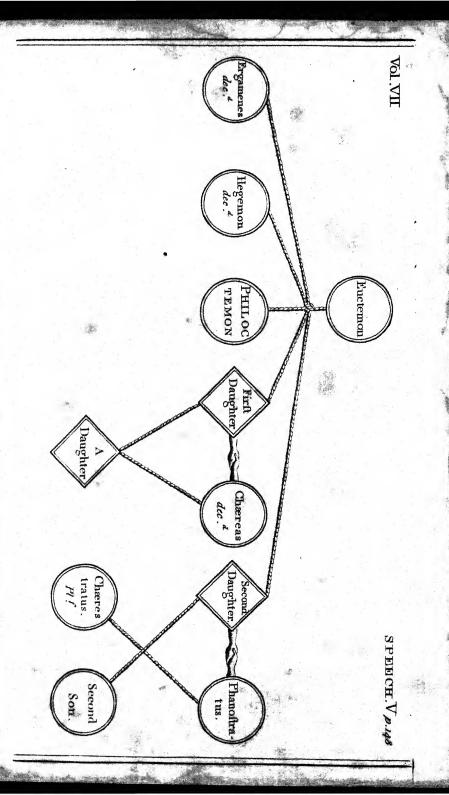
230. 'Since they alone are held equal to

the three worlds; they alone, to the principal

orders; they alone, to the three Védas; they

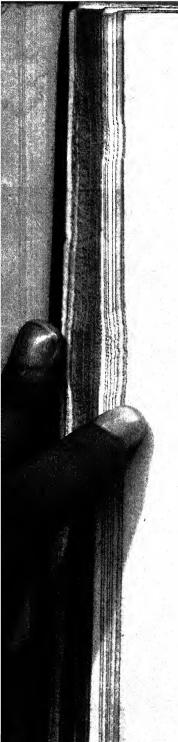
' alone, to the three fires:

231. 'The natural father is confidered as the 'garbapatya, or nuptial fire; the mother, as the





- ' dacshina, or ceremonial; the spiritual guide, as
- ' the ábavaniya, or facrificial: this triad of fires
- ' is most venerable.
 - 232. 'He, who neglects not those three, when
- 'he becomes a housekeeper will ultimately ob-
- ' tain dominion over the three worlds; and, his
- body being irradiated like a God, he will enjoy
- ' fupreme bliss in heaven.
 - 233. 'By honouring his mother he gains this
- ' terrestrial world; by honouring his father, the
- ' intermediate, or etherial; and, by affiduous at-
- ' tention to his preceptor, even the celestial world
- of BRAHMA':
 - 234. 'All duties are completely performed by
- ' that man, by whom those three are completely
- honoured; but to him, by whom they are dif-
- 'honoured, all other acts of duty are fruit-
- · lefs.
- 235. 'As long as those three live, so long he
- ' must perform no other duty for his own fake;
- ' but, delighting in what may conciliate their af-
- ' fections and gratify their wishes, he must from
- ' day to day affiduously wait on them:
- 236. 'Whatever duty he may perform in
- ' thought, word, or deed, with a view to the
- ' next world, without derogation from his re-
- ' spect to them, he must declare to them his en-
- ' tire performance of it.



237. By honouring those three, without

more, a man effectually does whatever ought

to be done: this is the highest duty, appearing

before us like DHERMA himself, and every

other act is an Upadherma, or fubordinate duty.

238. 'A believer in scripture may receive

pure knowledge even from a Súdra; a leffon

of the highest virtue, even from a Chándala;

' and a woman bright as a gem, even from the

basest family:

239. 'Even from poison may nectar be taken;

even from a child, gentleness of speech; even

' from a foe, prudent conduct; and even from an

' impure fubstance, gold.

240. 'From every quarter, therefore, must

be felected women bright as gems, knowledge,

virtue, purity, gentle speech, and various liberal

arts.

241. 'In case of necessity, a student is re-

quired to learn the Véda from one who is not

' a Brábmen, and, as long as that instruction con-

tinues, to honour his instructor with obsequious

affiduity;

242. 'But a pupil, who feeks the incompa-

' rable path to heaven, should not live to the

end of his days in the dwelling of a preceptor,

who is no Bráhmen, or who has not read all the

' Védas with their Angas,

243. 'If he anxiously defire to pass his whole

'life in the house of a sacerdotal teacher, he

' must serve him with assiduous care, till he be

released from his mortal frame:

244. 'That Brabmen, who has dutifully at-

tended his preceptor till the diffolution of his

body, passes directly to the eternal mansion of

Gop.

245. LET not a student, who knows his

' duty, present any gift to his preceptor before his

' return home; but when, by his tutor's per-

' mission, he is going to perform the ceremony

on his return, let him give the venerable man

' fome valuable thing to the best of his power;

246. 'A field, or gold, a jewel, a cow, or a

' horse, an umbrella, a pair of sandals, a stool,

'corn, cloths, or even any very excellent vege-

table: thus will he gain the affectionate re-

' membrance of his instructor.

247. 'The student for life must, if his teacher

die, attend on his virtuous fon, or his widow,

or on one of his paternal kinfmen, with the

' fame respect, which he showed to the liv-

'ing:

248. 'Should none of those be alive, he must

' occupy the station of his preceptor, the seat, and

' the place of religious exercifes; must conti-

' nually pay due attention to the fires, which he

'had confecrated; and must prepare his own foul for heaven.

249. 'The twice born man, who shall thus 'without intermission have passed the time of his

' studentship, shall ascend after death to the most

' exalted of regions, and no more again spring

' to birth in this lower world.

CHAPTER THE THIRD.

On Marriage; or, on the Second Order.

1. THE discipline of a student in the three

· Vedas may be continued for thirty-fix years,

' in the house of his preceptor; or for half that

time, or for a quarter of it, or until he per-

fectly comprehend them:

2. 'A student, whose rules have not been

' violated, may affume the order of a married

' man, after he has read in succession a s'ac' ha,

or branch, from each of the three, or from

'two, or from any one of them.

3. 'Being justly applauded for the strict per-

formance of his duty, and having received from

' his natural or spiritual father the facred gift of

' the Vėda, let him fit on an elegant bed, decked

' with a garland of flowers; and let his father

'honour him, before his nuptials, with a prefent of a cow.

4. 'Let the twice born man, having obtained

the confent of his venerable guide, and having

' performed his ablution with flated ceremo-

' nies on his return home, as the law directs,

• espouse a wife of the same class with himself • and endued with the marks of excellence.

5. 'She, who is not descended from his paternal or maternal ancestors within the sixth

degree, and who is not known by the family name

• to be of the same primitive stock with his father

or mother, is eligible by a twice born man for

* nuptials and holy union:

6. 'In connecting himself with a wife, let him

fludiously avoid the ten following families, be

they ever fo great, or ever fo rich in kine, goats,

fheep, gold, and grain:

7. 'The family, which has omitted prescribed

e acts of religion; that, which has produced no

male children; that, in which the Véda has

on the not been read; that, which has thick hair on

the body; and those, which have been subject

to hemorrhoids, to phthisis, to dyspepsia, to

epilepfy, to leprofy, and to elephantiafis.

8. Let him not marry a girl with reddish

hair, nor with any deformed limb; nor one

* troubled withhabitual fickness; nor one either

with no hair or with too much; nor one im-

moderately talkative; nor one with inflamed

eyes;

9. 'Nor one with the name of a constellation, of a tree, or of a river, of a barbarous nation,

or of a mountain, of a winged creature, a fnake,

or a flave; nor one with any name raifing and

. image of terrour.

to. 'Let him chuse for his wife a girl, 'whose form has no defect; who has an agree'able name; who walks gracefully like a pheni'copteros or like a young elephant; whose hair
'and teeth are moderate respectively in quan'tity and in size; whose body has exquisite
'fostness.

ther is not well known, let no fensible man espouse, through fear lest, in the former case, her father should take her first son as his own to perform his obsequies; or, in the second case, lest an illicit marriage should be contracted.

12. 'For the first marriage of the twice born classes a woman of the same class is recommended; but for such, as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred:

13. 'A Súdra woman only must be the wife of a Súdra; she and a Vaisyà, of a Vaisya; they two and a Cshatriyá, of a Cshatriya; those two and a Bráhmani, of a Bráhmen.

14 'A woman of the fervile class is not mentioned, even in the recital of any ancient ftory, as the first wife of a Bráhmen or of a Csha-triya, though in the greatest difficulty to find a fuitable match.

15. 'Men of the twice born classes, who,



- through weakness of intellect, irregularly marry
- women of the lowest class, very foon degrade
- * their families and progeny to the state of Súdras:
 - 16. 'According to ATRI and to (Go'TAMA)
- the fon of UTAT'HYA, he, who thus marries a
- ' woman of the servile class, if he be a priest, is
- degraded instantly; according to SAUNACA, on
- the birth of a fon, if he he a warriour; and,
- · if be be a merchant, on the birth of a fon's fon,
- * according to (me) BHRIGU.
- 17. ' A Bráhmen, if he take a Súdra to his
- bed, as his first wife, finks to the regions of tor-
- ment; if he beget a child by her, he loses even
- his priestly rank:
 - 18. 'His facrifices to the Gods, his oblations
- to the Manes, and his hospitable attentions to
- · strangers, must be supplied principally by her;
- but the Gods and Manes will not eat fuch of-
- ferings; nor can heaven be attained by fuch
- · hospitality.
 - 19. ' For the crime of him, who thus illegally
- drinks the moisture of a Súdra's lips, who is
- tainted by her breath, and who even begets a
- child on her body, the law declares no ex-
- · piation.
 - 20. Now learn compendiously the eight
- forms of the nuptial ceremony used by the
- ' four classes, some good and some bad in this
- world and in the next:

21. 'The ceremony of BRAHMA', of the Devas, of the Rishis, of the Prajapatis, of the Asuras, of the Gandbarvas, and of the Racsbass; the eighth and basest is that of the Pisachas.

22. 'Which of them is permitted by law to each class, and what are the good and bad properties of each ceremony, all this I will fully declare to you, together with the qualities, good and bad, of the offspring.

23. 'Let mankind know, that the fix first in 'direct order are by some held valid in the case 'of a priest; the four last in that of a warriour; and the same four, except the Rácshasa mariage, in the cases of a merchant and a man of 'the servile class:

24. 'Some confider the four first only as ap'proved in the case of a priest; one, that of Racsh'as, as peculiar to the soldier; and, that of Asu'ras, to a mercantile and a servile man:

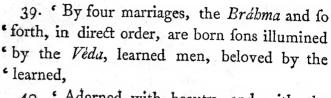
25. 'But in this code, three of the five last are held legal, and two illegal: the ceremonies of Pisachas and Asuras must never be performed.

26. 'For a military man the beforementioned 'marriages of Gandbarvas and Racsbasas, whether 'separate, or mixed, as when a girl is made captive by her lover, after a victory over her kinsteen, are permitted by law.

27. 'The gift of a daughter, clothed only with

- a fingle robe, to a man learned in the Vėda,
- whom her father voluntarily invites and re-
- fpectfully receives, is the nuptial rite called
- · Bráhma.
 - 28. 'The rite, which fages call Daiva, is
- the gift of a daughter, whom her father has
- decked in gay attire, when the facrifice is al-
- ready begun, to the officiating prieft, who per-
- forms that act of religion.
 - 29. When the father gives his daughter
- away, after having received from the bride-
- groom one pair of kine, or two pairs, for uses
- * prescribed by law, that marriage is termed Arsha.
- 30. 'The nuptial rite called Prájápatya is
- when the father gives away his daughter with
- due honour, faying distinctly: " May both of
- "you perform together your civil and religious duties!"
- 31. ' When the bridegroom, having given as
- " much wealth as he can afford to the father and
- ' paternal kinfmen, and to the damfel herfelf,
- takes her voluntarily as his bride, that marriage
- ' is named Afura.
 - 32. 'The reciprocal connection of a youth
- and a damsel, with mutual defire, is the mar-
- riage denominated Gándbarva, contracted for
- * the purpose of amorous embraces, and proceed-
- ' ing from fenfual inclination.
 - 33. 'The seizure of a maiden by force from

- ' her house, while she weeps and calls for affist-
- ance, after her kinsmen and friends have
- been flain in battle, or wounded, and their
- 'houses broken open, is the marriage styled
- · Rácfhafa.
 - 34. 'When the lover fecretly embraces the
- ' damfel, either fleeping or flushed with strong
- ' liquor, or disordered in her intellect, that fin-
- ' ful marriage, called Paifácha, is the eighth and
- the basest.
- 35. 'The gift of daughters in marriage by the
- ' facerdotal class is most approved, when they
- ' previously have poured water into the hands
- of the bridegroom; but the ceremonies of the
- 'other classes may be performed according to
- their feveral fancies.
- 36. Among these nuptial rites, what qua-
- ' lity is afcribed by MENU to each, hear now, ye
- ' Brábmens, hear it all from me, who fully de-
- clare it!
 - 37. 'The son of a Brábmi, or wife by the
- ' first ceremony, redeems from fin, if he per-
- ' form virtuous acts, ten ancestors, ten descend-
- ' ants, and himself the twenty-first person.
- 38. ' A fon, born of a wife by the Daiva
- ' nuptials, redeems feven and feven in higher
- ' and lower degrees; of a wife by the Arsba,
- three and three; of a wife by the Prájápatya,
- ' fix and fix.



40. Adorned with beauty, and with the quality of goodness, wealthy, famed, amply gratistical with lawful enjoyments, perform-

ing all duties, and living a hundred years:

41. But in the other four base marriages, which remain, are produced sons acting cruelly, speaking falsely, abhorring the Veda, and the

duties prescribed in it.

42. 'From the blameless nuptial rites of men

fprings a blameless progeny; from the repre-

hensible, a reprehensible offspring: let mankind,

* therefore, studiously avoid the culpable forms * of marriage.

43. 'The ceremony of joining hands is appointed for those, who marry women of their

own class; but, with women of a different

• class, the following nuptial ceremonies are to be

· observed:

44. 'By a Cshatriyà, on her marriage with a

· Bráhmen, an arrow must be held in her hand;

by a Vaifyà woman, with a bridegroom of the

' sacerdotal or military class, a whip; and by a

· Súdrà bride, marrying a priest, a soldier, or a

" merchant, must be held the skirt of a mantle.

45. 'LET the husband approach his wife in

- due feason, that is, at the time fit for pregnancy;
- ' let him be constantly satisfied with her alone;
- ' but, except on the forbidden days of the moon,
- ' he may approach her, being affectionately dif-
- ' posed, even out of due season, with a desire of
- ' conjugal intercourfe.
 - 46. 'Sixteen days and nights in each month,
- with four distinct days neglected by the vir-
- tuous, are called the natural feafon of women:
 - 47. 'Of those fixteen, the four first, the
- ' eleventh, and the thirteenth, are reprehended:
- ' the ten remaining nights are approved.
 - 48. 'Some fay, that on the even nights are
- 'conceived fons; on the odd nights, daughters:
- ' therefore let the man, who wishes for a son,
- 'approach his wife in due feafon on the even
- ' nights;
- 49. 'But a boy is in truth produced by the
- ' greater quantity of the male strength; and a
- ' girl, by the greater quantity of the female; by
- ' equality, an hermaphrodite, or a boy and a
- 'girl; by weakness or deficiency, is occasioned
- ' a failure of conception.
 - 50. 'He, who avoids conjugal embraces on
- the fix reprehended nights and on eight others,
- ' is equal in chastity to a Brabmachári, in which-
- ' ever of the two next orders he may live.
 - 51. 'LET no father, who knows the law, re-
- ' ceive a gratuity, however small, for giving his
- ' daughter in marriage; fince the man, who,

'through avarice, takes a gratuity for that pur-'pose, is a seller of his offspring.

52. 'Whatever male relations, through de-'lufion of mind, take possession of a woman's

'property, be it only her carriages or her

clothes, fuch offenders will fink to a region of

' torment.

53. 'Some fay, that the bull and cow given 'in the nuptial ceremony of the Rishis, are a 'bribe to the father; but this is untrue: a bribe 'indeed, whether large or small, is an actual sale 'of the daughter.

54. 'When money or goods are given to damfels, whose kinsmen receive them not for their own use, it is no sale: it is merely a token of courtesy and affection to the brides.

55. 'Married women must be honoured and 'adorned by their fathers and brethren, by their 'husbands, and by the brethren of their husbands,

'if they feek abundant prosperity:

56. 'Where females are honoured, there 'the deities are pleased; but where they are 'dishonoured, there all religious acts become 'fruitless.

57. 'Where female relations are made mi-'ferable, the family of him, who makes them 'fo, very foon wholly perishes; but, where

they are not unhappy, the family always increases.

58. On whatever houses the women tha fa-

- ' mily, not being duly honoured, pronounce an
- ' imprecation, those houses, with all that belong
- ' to them, utterly perish, as if destroyed by a sa-
- ' crifice for the death of an enemy.
 - 59. 'Let those women, therefore, be conti-
- ' nually supplied with ornaments, apparel, and
- ' food, at festivals and at jubilees, by men de-
- ' firous of wealth.
 - 60. 'In whatever family the husband is con-
- ' tented with his wife, and the wife with her
- ' husband, in that house will fortune be affuredly
- ' permanent.
 - 61. ' Certainly, if the wife be not elegantly
- ' attired, she will not exhilarate her husband, and,
- ' if her lord want hilarity, offspring will not be 'produced.
- 62. 'A wife being gaily adorned, her whole
- ' house is embellished; but, if she be destitute of
- ' ornament, all will be deprived of decoration.
 - 63. 'By culpable marriages, by omission of
- ' prescribed ceremonies, by neglect of reading
- ' the Véda, and by irreverence toward a Bráb-
- ' men, great families are funk to a low state:
- 64. 'So they are by praclifing manual arts, by
- · lending at interest and other pecuniary transac-
- 'tions, by begetting children on Súdras only,
- by traffick in kine, horses, and carriages, by
- ' agriculture, and by attendance on a king.
 - 65. ' By facrificing for fuch, as have no

right to facrifice, and by denying a future compensation for good works, great families, being deprived of sacred knowledge, are quickly destroyed;

66. 'But families, enriched by a knowledge of the Vėda, though possessing little temporal wealth, are numbered among the great, and acquire exalted fame.

67. 'LET the house-keeper perform domestic 'religious rites, with the nuptial fire, according to law, and the ceremonies of the five great sacraments, and the several acts, which must day by day be performed.

68. 'A house-keeper has five places of 'flaughter, or where small living creatures may 'be slain, his kitchen-hearth, his grind-stone, 'his broom, his pestle and mortar, his water'pot; by using which, he becomes in bondage 'to sin:

69. 'For the fake of expiating offences com'mitted ignorantly in those places mentioned in
'order, the five great facraments were appointed
'by eminent fages to be performed each day by
'fuch as keep house.

70. 'Teaching and studying the scripture is 'the sacrament of the Vėda; offering cakes and 'water, the sacrament of the Manes; an oblation 'to fire, the sacrament of the Deities; giving 'rice or other food to living creatures, the sa-

' crament of spirits; receiving guests with ho' nour, the sacrament of men:

71. 'Whoever omits not those five great ce'remonies, if he have ability to perform them, is
'untainted by the sins of the five slaughtering
'places, even though he constantly reside at
'home:

72. 'But whoever cherishes not five orders of beings, namely, the deities; those, who demand hospitality; those, whom he ought by law to

maintain; his departed fore-fathers; and him-

' felf; that man lives not, even though he breathe.

73. 'Some call the five facraments abuta and buta, prabuta, brábmya-buta, and práfita:

74. 'Abuta, or unoffered, is divine study; 'buta, or offered, is the oblation to sire; prabuta, 'or well offered, is the food given to spirits; 'bráhmya-huta is respect shewn to twice-born 'guests; and prásita, or well eaten, is the offering of rice or water to the manes of an'cestors.

75. Let every man in this fecond order em'ploy himself daily in reading the scripture, and
'in performing the sacrament of the Gods;
'for, being employed in the sacrament of deities,
'he supports this whole animal and vegetable
'world;

76. 'Since his oblation of clarified butter, duly

- ' cast into the slame, ascends in smoke to the sun;
- ' from the fun it falls in rain; from rain comes
- * vegetable food; and from fuch food animals
- ' derive their subsistence.
- 77. 'As all creatures subsist by receiving sup-
- f port from air, thus all orders of men exist by
- freceiving support from house-keepers;
 - 78. And, fince men of the three other or-
- ders are each day nourished by them with
- divine learning and with food, a house-keeper
- is for this reason of the most eminent order;
 - 79. 'That order, therefore, must be constantly
- ' fustained with great care by the man, who
- ' feeks unperishable bliss in heaven, and in this
- world pleasurable sensations; an order, which
- ' cannot be fustained by men with uncontrolled
- organs.
 - 80. 'The divine fages, the manes, the gods,
- the spirits, and guests, pray for benefits to mas-
- ters of families; let these honours, therefore,
- be done to them by the house-keeper, who
- ' knows his duty:
 - 81. Let him honour the fages by studying the
- ' Vėda; the gods, by oblations to fire ordained
- by law; the manes, by pious obsequies; men,
- by supplying them with food; and spirits, by
- f gifts to all animated creatures.
 - 82. 'Each day let him perform a fráddha with

- ' boiled rice and the like, or with water, or with
- ' milk, roots, and fruit; for thus he obtains fa-
- ' vour from departed progenitors.
 - 83. 'He may entertain one Brábmen in that
- ' facrament among the five, which is performed
- ' for the Pitris; but, at the oblation to all the
- Gods, let him not invite even a fingle prieft.
 - 84. 'In his domestic fire for dressing the food
- ' of all the Gods, after the prescribed ceremony,
- 'let a Brahmen make an oblation each day to
- ' these following divinities;
 - 85. 'First to AGNI, god of fire, and to the
- 'Lunar God, severally; then, to both of them
- 'at once; next, to the affembled Gods; and
- 'afterwards, to DHANWANTARI, God of Me-
- ' dicine;
- 86. 'То Сини', goddess of the day, when the
- ' new moon is difcernible; to ANUMATI, god-
- ' dess of the day after the opposition; to PRA-
- ' JA'PATI, or the Lord of Creatures; to
- ' Dya'va' and PRITHIVI', goddesses of sky and
- 'earth; and lastly, to the fire of the good sa-
- crifice.
- 87. 'Having thus, with fixed attention, of-
- ' fered clarified butter in all quarters, proceeding
- 'from the east in a southern direction, to INDRA,
- ' YAMA, VARUNA, and the god So'MA, let him
- offer his gift to animated creatures
 - 88. 'Saying, "I falute the Maruts," or Winds,

'let him throw dreffed rice near the door; $\int ay$ 'ing, "I falute the water gods," in water; and
'on his peftle and mortar, $\int aying$, "I falute the
"gods of large trees."

89. 'Let him do the like in the north east, or near his pillow, to SRI', the goddess of abundance; in the south west, or at the foot of his bed, to the propitious goddess BHADRACA'LI'; in the centre of his mansion, to BRAHMA' and his household God;

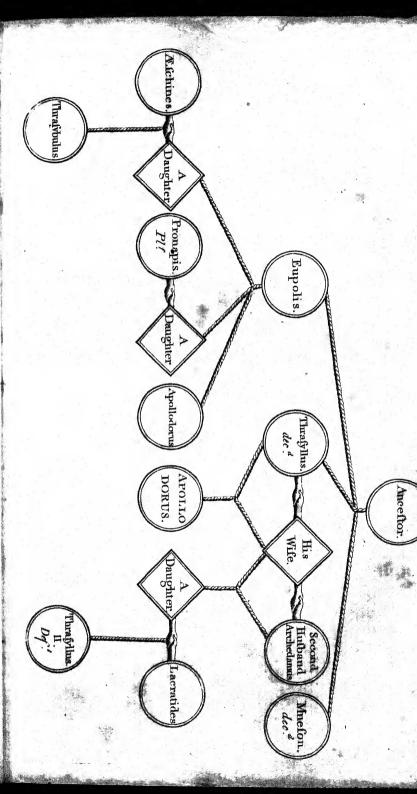
90. 'To all the Gods affembled, let him throw up his oblation in open air; by day, to the fpirits, who walk in light; and by night to those, who walk in darkness:

91. 'In the building on his housetop, or behind bis back, let him cast his oblation for the welfare of all creatures; and what remains let him give to the Pitris with his face toward the south:

92. 'The share of dogs, of outcasts, of dogfeeders, of sinful men punished with elephantiass or consumption, of crows, and of reptiles, let him drop on the ground by little and
little.

93. 'A Brahmen, who thus each day shall honour all beings, will go to the highest region in a straight path, with an irradiated form.

94. When he has performed this duty of making oblations, let him cause his guest to





- take food before himself; and let him give a
- ' portion of rice, as the law ordains, to the men-
- ' dicant, who studies the Vėda.
 - 95. 'Whatever fruit shall be obtained by that
- ' fludent, as the reward of his virtue, when he
- ' shall have given a cow to his preceptor, accord-
- 'ing to law, the like reward of virtue shall be
- obtained by the twice born house-keeper, when
- ' he has given a mouthful of rice to the religious
- ' mendicant.
- 96. 'To a Bráhmen, who knows the true
- ' principle of the Vėda, let him present a portion
- of rice, or a pot of water garnished with fruit
- ' and flowers, due ceremonies having preceded:
 - 97. 'Shares of oblations to the gods, or to
- ' the manes, utterly perish, when presented,
- 'through delusion of mind, by men regardless
- ' of duty, to fuch ignorant Brábmens, as are mere
- 'ashes;
- 98. 'But an offering in the fire of a facerdotal
- ' mouth, which richly blazes with true know-
- ' ledge and piety, will release the giver from
- ' distress, and even from deadly sin.
 - 99. 'To the guest, who comes of his own
- 'accord, let him offer a feat and water, with
- ' fuch food as he is able to prepare, after the
- due rites of courtefy.
- 100. A Bráhmen, coming as a guest, and not
- received with just honour, takes to himself

- 'all the reward of the house-keeper's former
- ' virtue, even though he had been fo temperate
- as to live on the gleanings of harvests, and
- fo pious as to make oblations in five distinct
- fires.
 - 101. 'Grass and earth to sit on, water to wash
- ' the feet, and, fourthly, affectionate speech are
- 'at no time deficient in the mansions of the
- ' good, although they may be indigent.
 - 102. ' A Brábmen, staying but one night as a
- ' guest, is called an atit'bi; fince, continuing so
- 's short a time, he is not even a sojourner for a
- ' whole tit'hi, or day of the moon.
 - 103. 'The house-keeper must not consider as
- ' an atit'bi a mere visitor of the same town, or
- ' a Bråbmen, who attends him on business, even
- ' though he come to the house, where his wife
- ' dwells, and where his fires are kindled.
 - 104. 'Should any house-keepers be so sense-
- 'lefs, as to feek, on pretence of being guests,
- ' the food of others, they would fall after death,
- by reason of that baseness, to the condition of
- ' cattle belonging to the giver of fuch food.
 - 105. 'No guest must be dismissed in the even-
- fing by a house-keeper: he is fent by the retir-
- f ing fun; and, whether he come in fit season or
- ' unseasonably, he must not sojourn in the house
- f without entertainment.
 - 106. Let not himself eat any delicate food,

- without asking his guest to partake of it: the
- ' fatisfaction of a guest will assuredly bring the
- ' house-keeper wealth, reputation, long life, and
- ' a place in heaven.
 - 107. 'To the highest guests in the best form,
- to the lowest in the worst, to the equal, equally,
- 'let him offer feats, resting places, couches;
- ' giving them proportionable attendance, when
- 'they depart; and honour, as long as they
- flay.
 - 108. Should another guest arrive, when the
- ' oblation to all the Gods is concluded, for him
- also let the house-keeper prepare food, accord-
- 'ing to his ability; but let him not repeat his'
- ' offerings to animated beings.
- 109. Let no Brábmen guest proclaim his
- ' family and ancestry for the sake of an enter-
- ' tainment; fince he, who thus proclaims them,
- 'is called by the wife a vantasi, or foulfeeding
- demon.
- 110. 'A military man is not denominated a
- ' guest in the house of a Brábmen; nor a man
- ' of the commercial or fervile class; nor his fa-
- ' miliar friend; nor his paternal kinfman; nor
- ' his preceptor:
- 111. But, if a warriour come to his house in
- ' the form of a guest, let food be prepared for
- ' him, according to his desire, after the before
- · mentioned Brábmens have eaten.

- 112. 'Even to a merchant or a labourer, ap-
- ' proaching his house in the manner of guests,
- · let him give food, showing marks of benevo-
- · lence, at the same time with his domesticks:
 - 113. 'To others, as familiar friends, and the
- rest before named, who come with affection
- to his place of abode, let him ferve a repast
- at the fame time with his wife and bimfelf,
- ' having amply provided it according to his best
- ' means.
 - 114. 'To a bride, and to a damfel, to the
- fick, and to pregnant women, let him give
- food, even before his guests, without hesi-
- ' tation.
- 115. 'The idiot, who first eats his own mess,
- ' without having prefented food to the persons
- 'just enumerated, knows not, while he crams,
- that he will himself be food after death for ban-
- ' dogs and vultures.
 - 116. 'After the repast of the Brahmen guest,
- of his kinfmen, and his domesticks, the mar-
- 'ried couple may eat what remains un-
- touched.
 - 117. 'The house-keeper, having honoured
- ' fpirits, holy fages, men, progenitors, and house-
- ' hold gods, may feed on what remains after
- those oblations.
 - 118. 'He, who eats what has been dreffed
- for himself only, eats nothing but sin: a repast

on what remains, after the facraments, is called

' the banquet of the good.

119. 'After a year from the reception of a 'visitor, let the house-keeper again honour a

' king, a facrificer, a student returned from his

' preceptor, a fon in law, a father in law, and a

' maternal uncle, with a madhuperca, or prefent

' of honey, curds, and fruit.

120. 'A king or a *Brábmen*, arriving at the 'celebration of the facrament, are to be honour'ed with a *madhuperca*; but not, if the facra'ment be over: this is a fettled rule.

offering of the dressed food, but without pronouncing any text of the Véda: one oblation
to the assembled gods, thence named Vaifwadéva, is ordained both for evening and
morning.

122. 'From month to month, on the dark day of the moon, let a twice-born man having finished the daily sacrament of the Pitr's, and his fire being blazing, perform the solemn

fráddba, called pindámwábárya i

123. 'Sages have diffinguished the monthly 'frieddha by the title of arwibarya, or after 'eaten, that is, eaten after the finda, or ball of 'rice; and it must be performed with extreme care, and with flesh meat in the best condition.

124. 'What Brabmens must be entertained at

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· let him give food, showing marks of benevo-

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dogs and vultures.

116. 'After the repast of the Brahmen guest,

of his kinfmen, and his domesticks, the mar-

'ried couple may eat what remains un-

117. 'The house-keeper, having honoured

' fpirits, holy fages, men, progenitors, and house-

' hold gods, may feed on what remains after

those oblations.

118. 'He, who eats what has been dreffed for himself only, eats nothing but sin: a repast

- on what remains, after the facraments, is called
- the banquet of the good.
 - 119. 'After a year from the reception of a
- 'visitor, let the house-keeper again honour a
- ' king, a facrificer, a student returned from his
- 'preceptor, a fon in law, a father in law, and a
- ' maternal uncle, with a madbuperca, or present
- ' of honey, curds, and fruit.
 - 120. 'A king or a Bráhmen, arriving at the
- ' celebration of the facrament, are to be honour-
- 'ed with a madbuperca; but not, if the facra-
- ' ment be over: this is a settled rule.
- 121. In the evening, let the wife make an
- ' offering of the dreffed food, but without pro-
- ' nouncing any text of the Véda; one oblation
- ' to the affembled gods, thence named Vaifwa-
- 'déva, is ordained both for evening and
- ' morning.
- 122. 'From month to month, on the dark
- day of the moon, let a twice-born man having
- ' finished the daily sacrament of the Pitris, and
- 'his fire being blazing, perform the folemn
- ' fráddba, called pindánwábárya:
- 123. 'Sages have diffinguished the monthly
- ' fráddha by the title of anwahárya, or after
- eaten, that is, eaten after the pinda, or ball of
- rice; and it must be performed with extreme
- · care, and with flesh meat in the best condition.
- 124. What Brabmens must be entertained at

that ceremony, and who must be accepted, how

' many are to be fed, and with what fort of food,

on all those articles without omission, I will ' fully discourse.

125. 'At the fráddha of the gods he may ' entertain two Bráhmens; at that of his father,

' paternal grandfather, and paternal great grand-

father, three; or one only at that of the gods,

and one at that of his three paternal ancestors:

'though he abound in wealth, let him not be

' folicitous to entertain a large company.

126. 'A large company destroys these five ad-'vantages; reverence to priests, propriety of

' time and place, purity, and the acquisition of

'virtuous Bráhmens: let him not, therefore,

' endeavour to feed a superfluous number.

127. 'This act of due honour to departed ' fouls, on the dark day of the moon, is famed by

' the appellation of pitrya, or ancestral: the legal

ceremony, in honour of departed spirits, re-

wards with continual fruit a man engaged in ' fuch obsequies.

128. 'Oblations to the gods and to ancestors

' should be given to a most reverend Brahmen, perfectly conversant with the Véda; since

'what is given to him produces the greatest

' reward.

129. 'By entertaining one learned man at the ' oblation to the gods and at that to ancestors, he ' gains more exalted fruit, than by feeding a mul-'titude, who know not the holy texts.

130. 'Let him inquire into the ancestry, even ' in a remote degree, of a Brabmen, who has ad-' vanced to the end of the Vėda: such a man,

' if fprung from good men, is a fit partaker of oblations to gods and to ancestors; such a man

' may justly be called an atit'hi, or guest.

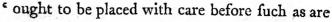
131. 'Surely, though a million of men, un-· learned in holy texts, were to receive food, yet 'a fingle man, learned in scripture, and fully ' fatisfied with his entertainment, would be of f more value than all of them together.

132. 'Food, confecrated to the gods and the ' manes, must be presented to a theologian of 'eminent learning; for certainly, when hands ' are fmeared with blood, they cannot be cleaned ' with blood only, nor can fin be removed by the company of sinners.

133. 'As many mouthfuls as an unlearned man shall swallow at an oblation to the gods ' and to ancestors, so many redhot iron balls ' must the giver of the fráddba swallow in the ' next world.

134. 'Some Brábmens are intent on scriptural knowledge; others, on auftere devotion; ' fome are intent both on religious austerity and on the study of the Veda; others, on the performance of facred rites:

135. 'Oblations to the manes of ancestors



intent on facred learning: but offerings to the

gods may be prefented, with due ceremonies,

to Bráhmens of all the four descriptions.

136. 'There may be a Bráhmen, whose father had not studied the scripture, though the

fon has advanced to the end of the Vėda; or

' there may be one, whose fon has not read the

· Veda, though the father had travelled to the

end of it:

137. 'Of those two let mankind consider him

as the superiour, whose father had studied the

fcripture; yet, for the fake of performing rites

' with holy texts, the other is worthy of honour.

138. Let no man, at the prescribed obsequies,

'give food to an intimate friend; fince ad-

' vantage to a friend must be procured by gifts

' of different property: to that Bráhmen let the

' performer of a fráddha give food, whom he

' confiders neither as a friend nor as a foe.

139. 'For him, whose obsequies and offer-

'ings of clarified butter are provided chiefly

6 through friendship, no fruit is reserved in the

' next life, on account either of his obsequies or

of his offerings.

140. 'The man, who, through delusion of

'intellect, forms temporal connexions by obse-

' quies, is excluded from heavenly mansions, as

'a giver of the fráddha for the fake of friend-

' ship, and the meanest of twice-born men:

141. 'Such a convivial present, by men of the three highest classes, is called the gift of Pisáchas, and remains fixed here below, like a blind cow in one stall.

142. 'As a husbandman, having sown seed in a barren soil, reaps no grain, thus a performer of holy rites, having given clarified butter to an unlearned *Bráhmen*, attains no reward in heaven;

143. 'But a prefent made, as the law ordains, 'to a learned theologian, renders both the giver 'and the receiver partakers of good fruits in this 'world and in the next.

144. 'If no learned Bráhmen be at hand, 'he may at his pleasure invite a friend to the 'fráddba, but not a foe, be he ever so learned; 'fince the oblation, being eaten by a foe, loses 'all fruit in the life to come.

145. 'With great care let him give food at the fráddba to a priest, who has gone through the scripture, but has chiesly studied the Rig'véda; to one, who has read all the branches, but principally those of the Yajush; or to one, who has sinished the whole, with particular attention to the Sáman:

146. 'Of that man, whose oblation has been 'eaten, after due honours, by any one of those 'three Bráhmens, the ancestors are constantly vol. v.

' fatisfied as high as the feventh person, or to the · fixth degree.

147. 'This is the chief rule in offering the ' fráddba to the gods and to ancestors; but the

· following may be confidered as a fubfidiary

rule, where no such learned priests can be found,

and is everobserved by good men:

148. 'Let him entertain his maternal grand-

father, his maternal uncle, the fon of his fifter,

the father of his wife, his spiritual guide, the

fon of his daughter, or her husband, his ma-

ternal cousin, his officiating priest, or the per-

former of his facrifice.

140. 'For an oblation to the gods, let not the

man, who knows what is law, fcrupuloufly in-

quire into the parentage of a Bráhmen; but for

a prepared oblation to ancestors, let him exa-

' mine it with strict care.

150. 'Those Brahmens, who have committed

any inferiour theft or any of the higher crimes,

who are deprived of virility, or who profess a

' disbelief in a future state, MENU has pronounced sunworthy of honour at a fráddha to the gods

or to ancestors.

151. 'To a student in theology, who has not

read the Véda, to a man punished for past crimes

by being born without a prepuce, to a gamester,

and to fuch, as perform many facrifices for other

' men, let him never give food at the facred ob-'fequies.

152. 'Physicians, imageworshippers for gain,

fellers of meat, and fuch as live by low traffick,

' must be shunned in oblations both to the deities

' and to progenitors.

- 153. 'A public fervant of the whole town, or 'of the prince, a man with whitlows on his 'pails or with block rellevators, an appearant
- ' nails, or with black yellow teeth, an opposer of
- his preceptor, a deferter of the facred fire, and an usurer,
- 154. A phthifical man, a feeder of cattle, one omitting the five great facraments, a con-
- temner of Brábmens, a younger brother married
- ' beforethe elder, an elder brother not married be-
- fore the younger, and a man, who subsists by the
- 'wealth of many relations, 155. 'A dancer, one who has violated the
- ' rule of chastity in the first or fourth order, the husband of a Súdra, the son of a twice-married
- from a man who has left and and and
- 'woman, a man who has lost one eye, and a
- ' husband in whose house an adulterer dwells,
 - 156. 'One who teaches the Veda for wages,
- and one who gives wages to fuch a teacher,
- the pupil of a Súdra, and the Súdra preceptor,
- ' a rude speaker, and the son of an adulteress,
- born either before or after the death of the
- ' husband,
 - 157. ' A forfaker, without just cause, of

his mother, father, or preceptor, and a man

who forms a connexion, either by scriptural

or connubial affinity, with great finners,

158. 'A houseburner, a giver of poison, an

eater of food offered by the fon of an adul-

teress, a seller of the moonplant, a species of

· mountain rue, a navigator of the ocean, a poeti-

cal encomiast, an oilman, and a suborner of

perjury,

159. 'A wrangler with his father, an em-

ployer of gamesters for his own benefit, a

drinker of intoxicating spirits, a man punished

for fin with elephantiasis, one of evil repute, a

cheat, and a feller of liquids,

160. 'A maker of bows and arrows, the huf-

band of a younger fifter married before the

' elder of the whole blood, an injurer of his friend,

the keeper of a gaminghouse, and a father in-

' structed in the Vėda by his own son,

161. 'An epileptick person, one who has the

eryfipelas or the leprofy, a common informer,

' a lunatick, a blind man, and a despiser of scrip-

ture, must all be shunned.

162. A tamer of elephants, bulls, horses,

or camels, a man who fubfifts by aftrology,

· a keeper of birds, and one who teaches the use

of arms,

163. 'He, who diverts watercourses, and he,

who is gratified by obstructing them, he, who

builds houses for gain, a messenger, and a planter

of trees for pay,

164. 'A breeder of sporting dogs, a falconer, a

' feducer of damfels, a man delighting in mischief,

' a Brábmen living as a Súdra, a facrificer to the

'inferiour gods only,

165. 'He, who observes not approved cus-

' toms, and he, who regards not prescribed du-

' ties, a constant importunate asker of favours,

'he, who supports himself by tillage, a club-

' footed man, and one despised by the virtuous,

166. 'A shepherd, a keeper of buffalos,

' the husband of a twice-married woman, and

' the remover of dead bodies for pay, are to be

' avoided with great care.

167. 'Those lowest of Brabmens, whose man-

' ners are contemptible, who are not admissible

' into company at a repast, an exalted and learned

' priest must avoid at both fráddbas.

168. ' A Brabmen, unlearned in holy writ, is

' extinguished in an instant, like a fire of dry

' grass: to him the oblation must not be given; for

' the clarified butter must not be poured on ashes.

169. 'WHAT retribution is prepared in the

' next life for the giver of food to men inad-

' missible into company, at the fráddba to the

' gods and to ancestors, I will now declare with-

out omission.

170. 'On that food, which has been given

- to Brábmens, who have violated the rules of
- 'their order, to the younger brother married
- before the elder, and to the rest, who are not
- admissible into company, the Racshases eagerly
- feast.
 - 171. 'He, who makes a marriage contract
- with the connubial fire, while his elder brother
- continues unmarried, is called a perivettri; and
- the elder brother, a perivitti:
 - 172. 'The perivettri, the perivitti, the damsel
- thus wedded, the giver of her in wedlock, and,
- fifthly, the performer of the nuptial facrifice, all
- ' fink to a region of torment.
- 173. 'He, who lasciviously dallies with the
- widow of his deceased brother, though she be
- e legally married to him, is denominated the huf-
- band of a didhishu.
 - 174. 'Two fons, named a cunda and a gólaca,
- are born in adultery; the cunda, while the huf-
- * band is alive, and the gólaca, when the husband
- s is dead:
 - 175. Those animals begotten by adulterers,
- deftroy, both in this world and in the next,
- the food presented to them by such, as make
- 6 oblations to the gods or to the manes.
 - 176. 'The foolish giver of a fráddha loses,
- in a future life, the fruit of as many admissible
- guests, as a thief or the like person, inadmissible
- " into company, might be able to fee.

177. ' A blind man, placed where one with

'eyes might have feen, destroys the reward of

' ninety; he, who has lost one eye, of fixty; a

'leper, of a hundred; one punished with ele-

' phantiasis, of a thousand.

178. 'Of the gift at a fráddha to as many

· Bráhmens, as a facrificer for a Súdra might be

' able to touch on the body, the fruit is lost to

' the giver, if he invite fuch a wretch;

179. 'And if a Brábmen, who knows the

'Véda, receive through covetousness a present

from fuch a facrificer, he speedily finks to per-

' dition, like a figure of unburnt clay in water.

180. ' Food, given to a feller of the moon-

' plant, becomes ordure in another world; to a

'physician, purulent blood; and the giver will

be a reptile bred in them: if offered to an

'imageworshipper, it is thrown away; if to an

' usurer, infamous.

181. 'That, which is given to a trader, en-

dures neither in this life nor in the next, and

that bestowed on a Brábmen, who has married

' a widow, refembles clarified butter poured on

ashes as an oblation to fire.

182. 'That food, which is given to other base

'inadmissible men before mentioned, the wife

have pronounced to be no more than animal oil,

blood, flesh, skin, and bones.

183. 'Now learn comprehensively, by what

- ' Brábmens a company may be purified, when it
- has been defiled by inadmiffible persons; Bráb-
- mens, the chief of their class, the purifiers of
- every affembly.
- 184. 'Those priests must be considered as the
- s purifiers of a company, who are most learned
- 'in all the Vėdas and all their Angas, together
- with their descendants, who have read the
- whole fcripture:
- 185. A priest learned in the principal part of
- 'the Yajurvėda; one, who keeps the five fires
- constantly burning; one skilled in a principal
- f part of the Rigvėda; one, who explains the fix
- · Vedángas; the son of a Bráhmi, or woman
- married by the Bráhma ceremony; and one,
- who chants the principal Sáman;
 - 186. 'One, who propounds the sense of the
- 'Vėdas, which he learnt from his preceptor, a
- fludent, who has given a thousand cows for
- ' pious uses, and a Brahmen a hundred years old,
- 5 must all be considered as the purifiers of a party
- ' at a fráddha.
 - 187. On the day before the facred obsequies,
- f or on the very day when they are prepared,
- · let the performer of them invite, with due ho-
- onour, fuch Bráhmens as have been mentioned;
- sufually one superiour, who has three inferiour
- f to him.
 - 188. 'The Brábmen, who has been invited to

- ' a fráddha for departed ancestors, must be con-
- ' tinually abstemious; he must not even read the
- ' Vėdas; and he, who performs the ceremony,
- ' must act in the same manner.
 - 189. Departed ancestors, no doubt, are at-
- tendant on such invited Bráhmens; hovering
- ' around them like pure spirits, and sitting by
- them when they are feated.
 - 190. 'The prieft, who having been duly in-
- ' vited to a fráddba, breaks the appointment,
- ' commits a grievous offence, and, in his next
- birth, becomes a hog.
 - 191. He who caresses a Súdra woman, after
- · he has been invited to facred obsequies, takes
- on himself all the sin, that has been committed
- ' by the giver of the repast.
 - 192. 'The Pitris, or great progenitors, are free
- ' from wrath, intent on purity, ever exempt
- ' from fenfual passions, endued with exalted qua-
- ' lities: they are primeval divinities, who have
- ' laid arms afide.
 - 193. 'HEAR now completely, from whom
- ' they fprang; who they are; by whom, and by
- " what ceremonies, they are to be honoured.
 - 194. 'The fons of MARI'CHI and of all the
- other Rishis, who were the offspring of MENU,
- ' fon of BRAHMA', are called the companies of
- · Pitris, or forefathers.

195. 'The Sómasads, who sprang from VI-

* RA'J, are declared to be the ancestors of the

'Sádhyas; and the Agnishwáttas, who are

famed among created beings as the children of

'MARI'CHI, to be the progenitors of the Dévas. 196. 'Of the Daityas, the Dánavas, the

' Yacfbas, the Gandbarvas, the Uragas, or Ser-

' pents, the Racsbases, the Garudas, and the

· Cinnaras, the ancestors of Barbisbads descended

from ATRI;

197. 'Of Bráhmens, those named Sómapas;

of Cshatriyas, the Havishmats; of Vaifyas,

those called Ajyapas; of Súdras, the Sucálins: 198. The Sómapas descended from Me,

BHRIGU; the Havisbmats, from ANGIRAS;

the Ajyapas, from Pulastya; the Sucálins,

from VASISHT'HA.

199. 'Those who are, and those who are

ont, confumable by fire, called Agnidagdhas,

' and Anagnidagdhas, the Cávyas, the Barbishads,

the Agnishwattas, and the Saumyas, let man-

'kind consider as the chief progenitors of

· Brábmens.

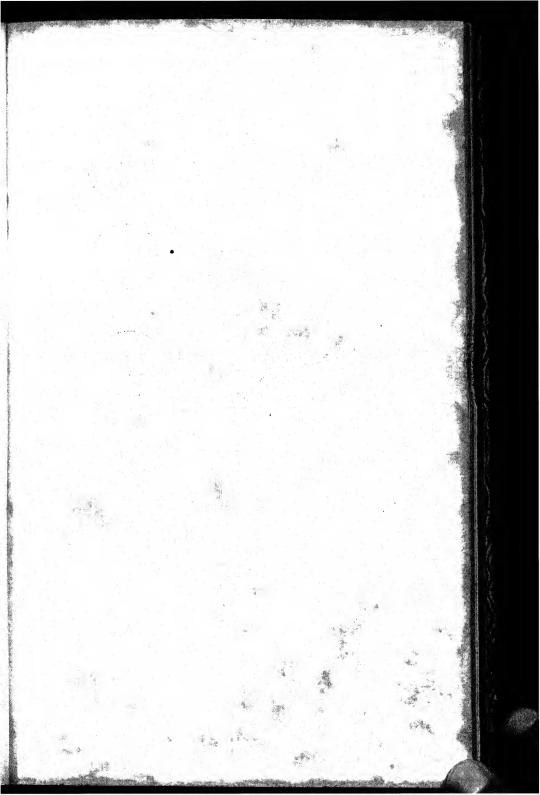
200. 'Of those just enumerated, who are

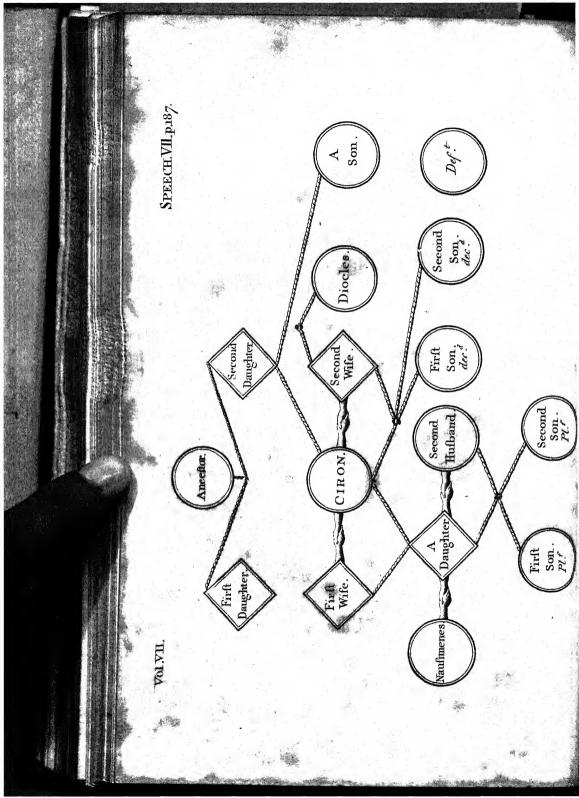
' generally reputed the principal tribes of Pitržs,

' the fons and grandfons indefinitely, are also in

' this world confidered as great progenitors.

201. 'From the Rishis come the Pitris, or





- e patriarchs; from the Pitris, both Dévas and
- ' Dánavas; from the Dévas, this whole world
- of animals and vegetables, in due order.
 - 202. 'Mere water, offered with faith to the
- progenitors of men, in vessels of filver, or
- ' adorned with filver, proves the fource of in-
- corruption.
 - 203. 'An oblation by Brábmens to their an-
- ceftors transcends an oblation to the deities;
- because that to the deities is considered as the
- opening and completion of that to ancestors.
- 204. As a prefervative of the oblation to the
- patriarchs, let the house-keeper begin with an
- offering to the gods; for the Rachases rend
- 'in pieces an oblation which has no fuch pre-
- fervative.
 - 205. Let an offering to the gods be made at
- the beginning and end of the fráddba: it must
- " not begin and end with an offering to ancef-
- fors; for he, who begins and ends it with an
- oblation to the Pitris, quickly perishes with his progeny.
- 2:6, 'LET the Brábmen smear with cow-
- dung a purified and sequestered piece of
- ' ground; and let him with great care felect a
- place with a declivity toward the fourh.
- 207. 'The divine manes are always pleafed
- with an oblation in empty glades, naturally

- clean, on the banks of rivers, and in solitary fpots.
- 208. 'Having duly made an ablution with water, let him place the invited Brahmens, who
- have also performed their ablutions, one by
- one, on allotted feats purified with cus'a-grafs. 209. 'When he has placed them with re-
- verence on their feats, let him honour them
- ' (having first honoured the gods) with fragrant garlands and fweet odours.
- 210. 'Having brought water for them with
- * cus'a-grass and tila, let the Brahmen, with the
- · Bráhmens, pour theoblation, as the law directs,
- on the holy fire.
 - 211. 'First, as it is ordained, having satisfied
- 'AGNI, So'MA, YAMA, with clarified butter,
- · let him proceed to fatisfy the manes of his progenitors.
- 212. ' If he have no confecrated fire, as if he
- be yet unmarried, or his wife be just deceased,
- · let him drop the oblation into the hand of a
- Brabmen; fince, what fire is, even fuch is a
- · Bráhmen; as priests, who know the Veda, declare:
- 213. ' Holy fages call the chief of the twice-
- born the gods of obsequies, free from wrath.
- ' with placid aspects, of a primeval race, em-
- · ployed in the advancement of human creatures.

- 214. 'Having walked in order from east to
- ' fouth, and thrown into the fire all the ingre-
- dients of his oblation, let him fprinkle water
- ' on the ground with his right hand.
 - 215. 'From the remainder of the clarified
- butter having formed three balls of rice, let him
- offer them, with fixed attention, in the fame
- ' manner as the water, his face being turned to
- ' the fouth:
 - 216. 'Then, having offered those balls, after
- ' due ceremonies and with an attentive mind, to
- the manes of his father, his paternal grandfather,
- ' and great grandfather, let him wipe the same
- hand with the roots of cus'a, which he had be-
- ' fore used, for the sake of his paternal ancestors in
- ' the fourth, fifth, and fixth degrees, who are the
- ' partakers of the rice and clarified butter thus
- ' wiped off.
 - 217. 'Having made an ablution, returning
- 'toward the north, and thrice suppressing his
- breath flowly, let him falute the gods of the
- fix feafons, and the Pitris also, being well ac-
- ' quainted with proper texts of the Vėda.
 - 218. 'Whatever water remains in his ewer,
- let him carry back deliberately near the cakes
- of rice; and, with fixed attention, let him
- ' fmell those cakes, in order as they were offered:
 - 219. 'Then, taking a small portion of the
- cakes in order, let him first, as the law directs,

cause the Brábmens to eat of them, while they are seated.

220. If his father be alive, let him offer the fráddha to his ancestors in three higher

degrees; or let him cause his own father to

eat, as a Brábmen, at the obsequies:

221. Should his father be dead, and his grandfather living, let him, in celebrating the name of his father, that is, in performing obfequies to him, celebrate also his paternal great grandfather;

222. 'Either the paternal grandfather may 'partake of the *fráddba* (fo has Menu declared)

or the grandson, authorized by him, may per-

form the ceremony at his discretion.

223. 'Having poured water, with cus'a-grass and tila, into the hands of the Bráhmens, let

him give them the upper part of the cakes, fay-

'ing, " Swadbá to the manes!"

224. 'Next, having himself brought with both

' hands a vessel full of rice, let him, still medi-

' tating on the Pitris, place it before the Bráb-,

* mens without precipitation.

225. 'Rice taken up, but not supported with both hands, the malevolent Asuras quickly rend in pieces.

226. 'Broths, potherbs, and other eatables ac-'companying the rice, together with milk and 'curds, clarified butter and honey, let him first

- ' place on the ground, after he has made an ab-
- ' lution; and let his mind be intent on no other ' object:
- 227. Let him add spiced puddings, and milky messes of various sorts, roots of herbs and
- ripe fruits, favoury meats, and fweet smelling drinks.
- 228. Then being duly purified, and with perfect presence of mind, let him take up all the dishes one by one, and present them in order to the *Brálmens*, proclaiming their quafilities.
- 229. 'Let him at no time drop a tear; let 'him on no account be angry; let him fay no- 'thing false; let him not touch the eatables
- ' with his foot; let him not even shake the dishes:
- 230. 'A tear fends the messes to restless 'ghosts; anger, to foes; falsehood, to dogs; 'contact with his foot, to demons; agitation, to
- ' finners.
- 231. 'Whatever is agreeable to the Bráhmens,
- ' let him give without envy; and let him dif-
- ' course on the attributes of GoD: such dis-
- ' course is expected by the manes.
- 232. 'At the obsequies to ancestors, he must
- ' let the Bráhmens hear passages from the Véda,
- from the codes of law, from moral tales, from

heroick poems, from the *Puránas*, and from theological texts.

233. 'Himself being delighted, let him give

delight to the Brábmens, and invite them to

eat of the provisions by little and little; at-

tracting them often with the dreffed rice and

other eatables, and mentioning their good pro-

' perties.

234. 'To the fon of his daughter, though a

'student in theology, let him carefully give

food at the fráddha; offering him a blanket

from Nepal as his feat, and sprinkling the

ground with tila: /

235. 'Three things are held pure at fuch ob-

' fequies, the daughter's fon, the Népàl blanket,

and the tila; and three things are praifed in it

'by the wife, cleanliness, freedom from wrath,

' and want of precipitate hafte.

236. 'Let all the dreffed food be very hot;

' and let the Brábmens eat it in filence; nor let

'them declare the qualities of the food, even

' though asked by the giver.

237. * As long as the messes continue warm,

as long as they eat in filence, as long as the

' qualities of the food are not declared by them,

' fo long the manes feast on it.

238. What a Brabmen eats with his head

covered, what he eats with his face to the

- fouth, what he eats with fandals on his feet,
- ' the demons affuredly devour.
 - 239. Let not a Chandála, a townboar, a
- ' cock, a dog, a woman in her courfes, or an eu-
- ' nuch, fee the Brahmens eating:
 - 240. 'That, which any one of them fees at
- the oblation to fire, at a folemn donation of
- cows and gold, at a repast given to Bráb-
- mens, at holy rites to the gods, and at the
- obsequies to ancestors, produces not the in-
- tended fruit:
 - 241. 'The boar destroys it by his fmell;
- the cock, by the air of his wings; the dog,
- by the cast of a look; the man of the lowest
- class, by the touch.
 - 242. ' If a lame man, or a man with one eye,
- or a man with a limb defective or redundant,
- be even a fervant of the giver, him also let his
- ' master remove from the place.
- 243. Should another Brahmen, or a mendi-
- 'cant, come to his house for food, let him,
- ' having obtained permission from the invited
- ' Brábmens, entertain the stranger to the best of
- 'his power.
- 244. 'Having brought together all the forts
- of food, as dreffed rice and the like, and
- fprinkling them with water, let him place them
- before the Brahmens, who have eaten; drop-

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ping some on the blades of cus'a-grass, which

· bave been spread on the ground.

245. What remains in the dishes, and what

has been dropped on the blades of cusa, must

be confidered as the portion of deceased Brab-

· mens, not girt with the facrificial thread, and

of fuch as have deferted unreasonably the wo-

' men of their own tribe.

246. 'The refidue, that has fallen on the

ground at the fráddha to the manes, the wife

have decided to be the share of all the servants,

who are not crooked in their ways, nor lazy

and ill-disposed.

247. ' Before the obsequies to ancestors as far

as the fixth degree, they must be performed to a

· Brahmen recently deceased; but the performer

of them must in that case give the sraddha

' without the ceremony to the Gods, and offer

only one round cake; and these obsequies for a

fingle ancestor should be annually performed on

· the day of his death:

248. 'When, afterwards, the obsequies to

· ancestors as far as the fixth degree, inclusively

of him, are performed according to law, then

' must the offering of cakes be made by the de-

' scendants in the manner before ordained for the

· monthly ceremonies.

249. 'THAT fool, who, having eaten of the

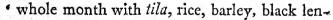
- fráddha, gives the residue of it to a man of the
- ' fervile class, falls headlong down to the hell,
- ' named Cálafútra.
 - 250. 'Should the eater of a fráddha enter,
- on the same day, the bed of a seducing woman,
- ' his ancestors would sleep for that month on her
- excrement.
 - 251. 'HAVING, by the word fwaditam, asked
- ' the Brábmens if they have eaten well, let him
- ' give them, being fatisfied, water for an ablu-
- 'tion, and courteously say to them: "Rest ei-
- " ther at home or here."
 - 252. 'Then let the Bráhmens address him,
- ' faying fwadba; for, in all ceremonies relating
- ' to deceased ancestors, the word Swadbá is the
- ' highest benison.
 - 253. 'After that, let him inform those, who
- ' have eaten, of the food which remains; and,
- being instructed by the Bráhmens, let him dif-
- ' pose of it, as they may direct.
- 254. 'At the close of the fráddha to his an-
- ' cestors, he must ask, if the Brábmens are satis-
- ' fied, by the word fwadita; after that for his fa-
- ' mily, by the word fufruta; after that for his
- own advancement, by the word sampanna; after
- that, which has been offered to the gods, by the
- word ruchita.
 - 255. 'The afternoon, the cus'a-grass, the

- cleanfing of the ground, the tilas, the liberal gifts
- of food, the due preparation for the repatt,
- and the company of most exalted Bráhmens,
- are true riches in the obsequies to ancestors.
 - 256. 'The blades of cus'a, the holy texts,
- the forenoon, all the oblations, which will
- 'presently be enumerated, and the purification
- before mentioned, are to be confidered as
- wealth in the fráddba to the gods:
 - 257. 'Such wild grains as are eaten by her-
- mits, milk, the juice of the moonplant, meat
- untainted, and falt unprepared by art, are held
- things fit, in their own nature, for the last men-
- ' tioned offering.
 - 258. 'Having dismissed the invited Brahmens,
- * keeping his mind attentive, and his speech
- ' fuppressed, let him, after an ablution, look to-
- ' ward the fouth, and ask these blessings of the
- · Pitris:
 - 259. "May generous givers abound in our
- " house! may the scriptures be studied, and pro-
- " geny increase, in it! may faith never depart
- " from us! and may we have much to bestow on
- " the needy!"
 - 260. 'Thus having ended the fráddha, let
- 'him cause a cow, a priest, a kid, or the fire,
- to devour what remains of the cakes; or let
- him cast them into the waters.

261. 'Some make the offering of the round

- cakes after the repast of the Brahmens; some
- ' cause the birds to eat what remains, or cast it
- into water or fire.
 - 262. 'Let a lawful wife, ever dutiful to her
- 'lord, and constantly honouring his ancestors,
- eat the middlemost of the three cakes, or that
- · offered to his paternal grandfather, with due
- * ceremonies, praying for offspring:
 - 263. 'So may she bring forth a son, who
- ' will be longlived, famed, and strongminded,
- wealthy, having numerous descendants, endued
- with the best of qualities, and performing all
- ' duties religious and civil.
 - 264. 'THEN, having washed both his hands
- and fipped water, let him prepare some rice
- for his paternal kinsmen; and, having given it
- them with due reverence, let him prepare food
- also for his maternal relations.
 - 265. Let the residue continue in its place,
- until the Brahmens have been difinissed; and
- then let him perform the remaining domestick
- ' facraments.
 - 266. 'WHAT fort of oblations, given duly to
- the manes, are capable of fatisfying them for
- 'a long time or for eternity, I will now declare
- without omission.
 - 267. 'The ancestors of men are satisfied a





- tils or vetches, water, roots, and fruit, given
- with prescribed ceremonies;
 - 268. 'Two months, with fish; three months,
- with venison; four, with mutton; five, with
- the flesh of fuch birds, as the twice-born may
- eat;
 - 269. 'Six months, with the flesh of kids;
- feven, with that of spotted deer; eight, with
- that of the deer, or antelope, called ena; nine,
- with that of the ruru:
 - 270. 'Ten months are they fatisfied with
- the flesh of wild boars and wild buffalos;
- eleven, with that of rabbits or hares, and of
- fortoifes;
 - 271. 'A whole year with the milk of cows,
- and food made of that milk; from the flesh of
- ' the long-eared white goat, their satisfaction en-
- dures twelve years.
- 272. 'The potherb cálasáca, the fish mabá-
- · salca, or the diodon, the flesh of a rhinoceros,
- or of an ironcoloured kid, honey, and all fuch
- forestgrains as are eaten by hermits, are formed
- for their fatisfaction without end.
 - 273. 'Whatever pure food, mixed with ho-
- ' ney, a man offers on the thirteenth day of the
- ' moon, in the feafon of rain, and under the lunar
- ' afterism Magbà, has likewise a ceaseless duration.

274. "Oh! may that man, fay the manes, be

" born in our line, who may give us milky food,

" with honey and pure butter, both on the thir-

" teenth of the moon, and when the shadow of

" an elephant falls to the eaft!"

275. 'Whatever a man, endued with strong

faith, piously offers, as the law has directed,

becomes a perpetual unperishable gratification

' to his ancestors in the other world:

276. 'The tenth and fo forth, except the

' fourteenth, in the dark half of the month, are

' the lunar days most approved for facred obse-

quies: as they are, fo are not the others.

277. 'He, who does honour to the manes,

on even lunar days, and under even lunar sta-

' tions, enjoys all his defires; on odd lunar days,

' and under odd lunar afterifins, he procures an

'illustrious race.

278. 'As the latter, or dark, half of the month

' furpasses, for the celebration of obsequies, the

' former, or bright half, so the latter half of the

' day surpasses, for the same purpose, the former

half of it.

279. 'The oblation to ancestors must be

'duly made, even to the conclusion of it with

· the distribution to the fervants (or even to

the close of life), in the form prescribed,

by a Brahmen wearing his thread on his

' right shoulder, proceeding from left to right,

- without remissness, and with cus'a-grass in his
- ' hand.
 - 280. 'Obsequies must not be performed by
- night; fince the night is called rácshast or in-
- fested by demons; nor while the sun is rising or
- fetting, nor when it has just rifen.
- 281. 'A house-keeper, unable to give a
- " monthly repast, may perform obsequies here
- below, according to the facred ordinance, only
- thrice a year, in the scasons of bemanta, grish-
- ma, and versbà; but the five facraments he
- " must perform daily.
- 282. 'The facrificial oblation, at obsequies to
- ' ancestors, is ordained to be made in no vulgar
- 'fire; nor should the monthly fráddba of that
- · Brabmen, who keeps a perpetual fire, be
- ' made on any day except on that of the con-
- ' junction.
- 283. 'When a twice-born man, having per-
- formed his ablution, offers a fatisfaction to the
- ' manes with water only, being unable to give a
- 'repast, he gains by that offering all the fruit
- of a fráddha.
- 284. 'The wife call our fathers, Vasus; our
- ' paternal grandfathers, Rudras; our paternal great
- ' grandfathers, Adityas (that is, all are to be re-
- 'vered as deities); and to this effect there is a
- ' primeval text in the Vėda.
 - 285. 'Let a man, who is able, continually

feed on vighafa, and continually feed on am-

· r.ta: by vigbafa is meant the refidue of a repast

at obsequies; and by amrita, the residue of a

· facrifice to the gods.

286. 'This complete fyslem of rules, for the

· five facraments and the like, has been de-

clared to you: now hear the law for those

means of subsistence, which the chief of the

· twice-born may feek.

CHAPTER THE FOURTH

On Economicks; and Private Morals.

LET a Brabmen, having dwelt with a preceptor during the first quarter of a man's life, pass the second quarter of human life in his own house, when he has contracted a legal marriage.

2. 'He must live, with no injury, or with the least possible injury, to animated beings, by

' pursuing those means of gaining subsistence, 'which are strictly prescribed by law, except in

' times of diffress:

3. 'For the fole purpose of supporting life, 'let him acquire property by those irreproachatible occupations, which are peculiar to his class,

' and unattended with bodily pain.

4. 'He may live by rita and amrita, or, if 'necessary, by mrita, or pramrita, or even by fatyánrita; but never let him subsist by swav'ritti:

5. 'By rita, must be understood lawful gleaning and gathering; by amr.ta, what is unsasked; by mrita, what is asked as alms; tillage is called prantita;

- 6. 'Traffick and money lending are fatyánrita;
- even by them, when he is deeply distressed, may,
- 'he support life; but service for hire is named,
- ' fwavritti, or dog-living, and of course he must
- by all means avoid it.
- 7. 'He may either store up grain for three
- ' years; or garner up enough for one year; or
- collect what may last three days; or make no
- provision for the morrow.
 - 8. 'Of the four Brahmens keeping house, who
- follow those four different modes, a preference
- ' is given to the last in order successively; as to
- him, who most completely by virtue has van-
- ' quished the world:
 - 9. 'One of them subsists by all the fix means
- of livelihood; another by three of them; a.
- ' third, by two only; and a fourth lives barely
- on continually teaching the Veda.
- 10. 'He, who fustains himself by picking up
- ' grains and ears, must attach himself to some
- altar of confecrated fire, but constantly per-
- ' form those rites only, which end with the
- dark and bright fortnights and with the fol-
- flices.
- 11. 'Let him never, for the fake of a fub-
- ' fistence, have recourse to popular conversation;
- · let him live by the conduct of a prieft, neither.
- crooked, nor artful, nor blended with the man-
- · ners of the mercantile class.

- 12. Let him, if he feek happiness, be firm
- in perfect content, and check all defire of ac-
- · quiring more than he possesses; for happiness
- has its root in content, and discontent is the root
- of mifery.
- 13. 'A Bråbmen keeping house, and sup-
- porting himself by any of the legal means be-
- fore mentioned, must discharge these following
- ' duties, which conduce to fame, length of life,
- and beatitude.
 - 14. 'Let him daily without floth perform his
- peculiar duty, which the Vėda prescribes; for
- he, who performs that duty, as well as he is
- able, attains the highest path to supreme blifs.
- 15. 'He must not gain wealth by musick or
- dancing, or by any art that pleases the sense;
- ' nor by any prohibited art; nor, whether he be
- ' rich or poor, must be receive gifts indiscrimi-
- f nately.
 - 16. 'Let him not, from a felfish appetite, be
- frongly addicted to any fenfual gratification;
- · let him, by improving his intellect, studiously
- ' preclude an exceffive attachment to fuch plea-
- fures, even though lawful.
 - 17. 'All kinds of wealth, that may impede
- his reading the Vėda, let him wholly abandon,
- ' persisting by all means in the study of scrip-
- ' ture; for that will be found his most beneficial
- f attainment.

18. 'Let him pass through this life, bringing

his apparel, his discourse, and his frame of mind,

to a conformity with his age, his occupations,

his property, his divine knowledge, and his

' family.

19. 'Each day let him examine those holy

books, which foon give increase of wisdom;

' and those, which teach the means of acquiring

wealth; those, which are falutary to life;

'and those nigamas, which are explanatory of

the Veda;

20. 'Since, as far as a man studies completely

the system of sacred literature, so far only can

' he become eminently learned, and fo far may

' his learning shine brightly.

21. 'The facramental oblations to fages, to

' the gods, to spirits, to men, and to his ancestors,

'let him constantly perform to the best of his

' power.

22. 'Some, who well know the ordinances

for those oblations, perform not always exter-

' nally the five great facraments, but continually

' make offerings in their own organs of Sensation

and intellect:

23. 'Some constantly facrifice their breath

' in their speech, when they instruct others, or

· praise Gon aloud, and their speech in their

breath, when they meditate in filence; perceiving

' in their speech and breath thus employed the unperishable fruit of a facrificial offering:

24. Other Brahmens incessantly perform

those facrifices with scriptural knowledge only;

feeing with the eye of divine learning, that fcriptural knowledge is the root of every cere-

' monial observance.

25. Let a Bráhmen perpetually make obla-

tions to confecrated fire, at the beginning and

end of day and night, and at the close of each

fortnight, or at the conjunction and opposition:

26. 'At the season, when old grain is usually

consumed, let him offer new grain for a plen-' tiful harvest; and at the close of the season, let

' him perform the rites called adhvara; at the

'folftices let him facrifice cattle; at the end of

the year, let his oblations be made with the

' juice of the moonplant:

27. ' Not having offered grain for the harvest,

onor cattle at the time of the folftice, let no

Brábmen, who keeps hallowed fire, and wishes

' for long life, tafte rice or flesh;

28. 'Since the holy fires, not being honoured

' with new grain and with a facrifice of cattle,

are greedy for rice and flesh, and seek to de-

· vour his vital fpirits.

29. 'Let him take care, to the utmost of his power, that no guest sojourn in his house un-

- honoured with a feat, with food, with a bed,
- ' with water, with esculent roots, and with fruit:
 - 30. 'But, let him not honour with his con-
- ' versation such as do forbidden acts; such as
- ' fubfift, like cats, by interested craft; fuch, as
- believe not the scripture; such as oppugn it by
- ' fophisms; or such as live like rapacious water-
- birds.
- 31. 'With oblations to the gods and to an-
- cestors, let him do reverence to Brábmens of the
- ' fecond order, who are learned in theology, who
- 'have returned home from their preceptors,
- after having performed their religious duties
- and fully studied the Vėda; but men of an op-
- * posite description let him avoid.
- 32. 'Gifts must be made by each house-
- 'keeper, as far as he has ability, to religious
- ' mendicants, though heterodox; and a just por-
- 'tion must be reserved, without inconvenience
- ' to his family, for all fentient beings, animal and
- · vegetable.
- 33. ' A priest, who is master of a family, and
- 'pines with hunger, may feek wealth from a
- ' king of the military class, from a facrificer, or
- ' his own pupil, but from no person else, unless
- ' all other belps fail: thus will be shew his respect
- for the law.
- 34. 'Let no priest, who keeps house, and is 'able to procure food, ever waste himself with

' hunger; nor, when he has any substance, let him wear old or fordid clothes.

35. 'His hair, nails, and beard, being clipped;

bis passions subdued; his mantle, white; his

body, pure; let him diligently occupy himself

in reading the Vėda, and be constantly intent on fuch acts, as may be falutary to him.

36. 'Let him carry a staff of Venu, an ewer

with water in it, a handful of custa grass, or a copy of the Veda; with a pair of bright golden rings in his ears.

37. 'He must not gaze on the sun, whether rifing or fetting, or eclipfed, or reflected in

water, or advanced to the middle of the fky.

38. 'Over a string, to which a calf is tied, let

him not step; nor let him run, while it rains; on let him look on his own image in water:

this is a fettled rule.

39. 'By a mound of earth, by a cow, by an 'idol, by a Brabmen, by a pot of clarified but-

ter, or of honey, by a place where four ways

· meet, and by large trees well known in the

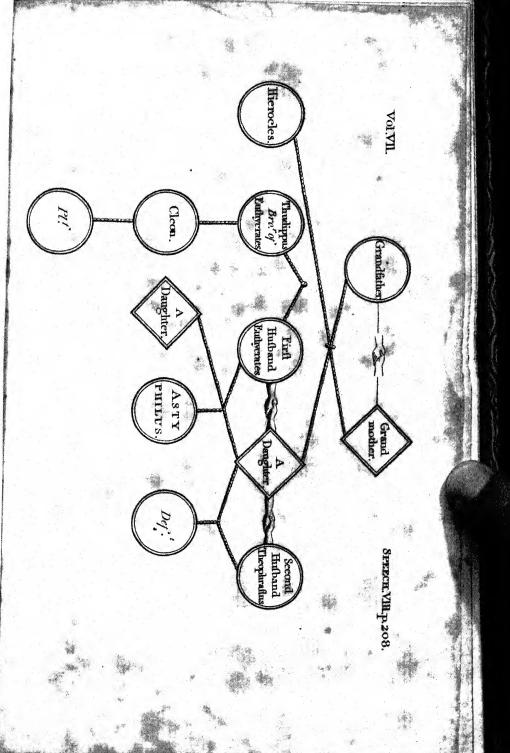
' district, let him pass with his right hand to-

ward them!

40. 'Let him not, though mad with defire, 'approach his wife, when her courses appear;

nor let him then fleep with her in the fame bed; With the contract of

41. 'Since the knowledge, the manhood, the





- ftrength, the eyefight, even the vital spirit, of
- ' him, who approaches his wife thus defiled, ut-
- ' terly perish;
 - 42. But the knowledge, the manhood, the
- ' strength, the fight, and the life of him, who
- ' avoids her in that state of defilement, are greatly
- ' increased.
- 43. 'Let him neither eat with his wife, nor
- · look at her eating, or fneezing, or yawning, or
- ' fitting carelessly at her ease;
- 44. 'Nor let a Brábmen, who desires manly
- ' ftrength, behold her fetting off her eyes with
- 'black powder, or fcenting herfelf with ef-
- ' fences, or baring her bosom, or bringing forth
- " a child.
 - 45. 'Let him not eat his food, wearing only
- 'a fingle cloth; nor let him bathe quite naked;
- · nor let him eject urine or feces in the high-
- way, nor on ashes, nor where kine are grazing,
 - 46. 'Nor on tilled ground, nor in water, nor
- ' on wood raifed for burning, nor, unless, be be in
- e great need, on a mountain, nor on the ruins of
- ' a temple, nor at any time on a nest of white
- ants,
- 47. 'Nor in ditches with living creatures in
- them, nor walking, nor standing, nor on the
- bank of a river, nor on the fummit of a moun-
- 4 tain:
- 49. 'Nor let him ever eject them, looking at

things moved by the wind, or at fire, or at a

• priest, or at the sun, or at water, or at cattle;

49. But let him void his excrements, having

covered the earth with wood, potherbs, dry

· leaves and grafs, or the like, carefully suppress-

ing his utterance, wrapping up his breaft and

' his head:

50. 'By day let him void them with his face

'to the north; by night, with his face to the fouth; at funrife and funfet, in the fame man-

ner as by day;

51. In the shade or in darkness, whether by day

' or by night, let a Bráhmen ease nature with his

' face turned as he pleases; and in places where

'he fears injury to life from wild beasts or from 'reptiles.

52. 'Of him, who should urine against fire,

'against the sun or the moon, against a twice-

born man, a cow, or the wind, all the facred

' knowledge would perish.

53. Let him not blow the fire with his

mouth; let him not see his wife naked; let him

' not throw any foul thing into fire; nor let him

' warm his feet in it;

54. 'Nor let him place it in a chafing dish

' under bis bed; nor let him stride over it; nor

' let him keep it, while he fleeps, at his feet: let

' him do nothing, that may be injurious to life.

55. At the time of funrise or funset, let him

- 'not eat, nor travel, nor lie down to rest; let
- 'him not idly draw lines on the ground; nor
- ' let him take off his own chaplet of flowers.
 - 56. 'Let him not cast into water either urine
- or ordure, nor faliva, nor cloth, or any other
- ' thing, foiled with impurity, nor blood, nor any
- 'kinds of poison.
 - 57. 'Let him not fleep alone in an empty
- 'house; nor let him wake a sleeping man supe-
- ' riour to himself in wealth and in learning; nor
- 'let him speak to a woman at the time of her
- 'courses; not let him go to perform a sacrifice,
- ' unattended by an officiating priest.
 - 58. ' In a temple of confecrated fire, in the
- ' pasture of kine, in the presence of Brahmens,
- 'in reading the Veda, and in eating his food, let
- ' him hold out his right arm uncovered.
 - 59. 'Let him not interrupt a cow while she is
- drinking, nor give notice to any, whose milk or
- ' water she drinks; nor let him, who knows right
- 'from wrong, and fees in the sky the bow of
- 'INDRA, show it to any man.
 - 60. Let him not inhabit a town, in which
- ' civil and religious duties are neglected; nor, for
- ' a long time, one in which diseases are frequent:
- ' let him not begin a journey alone: let him not
- ' refide long on a mountain.
- 61. Let him not dwell in a city governed by
- 'a Sudra king, nor in one furrounded with men

- " unobservant of their duties, nor in one abound-
- ing with professed hereticks, nor in one swarm-
- 'ing with lowborn outcasts.
- 62. Let him eat no vegetable, from which
- ' the oil has been extracted; nor indulge his ap-
- ' petite to fatiety; nor eat either too early or too
- 'late; nor take any food in the evening, if he
- have eaten to fulness in the morning.
 - 63. 'Let him make no vain corporeal exer-
- 'tion: let him not sip water taken up with his
- ' closed fingers: let him eat nothing placed in
- ' his lap: let him never take pleafure in asking
- ' idle questions.
- 64. 'Let him neither dance nor fing, nor
- ' play on musical instruments, except in religious
- ' rites; nor let him strike his arm, or gnash his
- teeth, or make a braying noise, though agitated by passion.
- 65. 'Let him not wash his feet in a pan of
- ' mixed yellow metal; nor let him eat from a
- broken dish, nor where his mind is disturbed
- ' with anxious apprehensions.
 - 66. 'Let him not use either slippers or clothes,
- or a facerdotal ftring, or an ornament, or a gar-
- ' land, or a waterpot, which before have been
- ' used by another.
 - 67. 'With untrained beafts of burden let him
- ' not travel; nor with fuch, as are oppressed by
- 'hunger or by disease; nor with such as have

imperfect horns, eyes, or hoofs; nor with fuch

' as have ragged tails:

68. 'But let him constantly travel with beasts

' well trained, whose pace is quick, who bear all

' the marks of a good breed, who have an agree-

' able colour, and a beautiful form; giving them

'very little pain with his whip.

69. ' The fun in the fign of Canyà, the smoke

of a burning corfe, and a broken feat, must

be shunned: he must never cut his own hair

' and nails, nor ever tear his nails with his teeth.

70. 'Let him not break mould or clay without

' cause: let him not cut grass with his nails; let

' him neither indulge any vain fancy, nor do any

' acl, that can bring no future advantage:

71. 'He, who thus idly breaks clay, or cuts

' grass, or bites his nails, will speedily fink to

' ruin; and fo shall a detractor, and an unclean

' person.

72. Let him use no contumelious phrase:

' let him wear no garland except on his hair: to

'ride on the back of a bull or cow, is in all

' modes culpable.

73. 'Let him not pass, otherwise than by the 'gate, into a walled town, or an inclosed house;

' and by night let him keep aloof from the roots

of trees.

74. 'Never let him play with dice: let him not put off his fandals with his hand: let him

ont eat, while he reclines on a bed, nor what is placed in his hand, or on a bench;

75. 'Nor, when the fun is fet, let him eat any thing mixed with tila; nor let him ever in this world fleep quite naked; nor let him go any whither with a remnant of food in his mouth.

76. Let him take his food, having sprinkled his feet with water; but never let him sleep with his feet wet: he, who takes his food with his feet so sprinkled, will attain long life.

77. 'Let him never advance into a place un'diftinguishable by his eye, or nor easily passable:
'never let him look at urine or ordure; nor let
'him pass a river swimming with his arms.

78. 'Let not a man, who defires to enjoy long 'life, stand upon hair, nor upon ashes bones, or 'potsherds, nor upon seeds of cotton, nor upon 'husks of grain.

79. 'Nor let him tarry even under the shade of the same tree with outcasts for great crimes, nor with Chandálas, nor with Puccasas, nor with idiots, nor with men proud of wealth, nor with washermen and other vile persons, nor with Antyavasáyins.

80. 'Let him not give even temporal advice 'to a Súdra; nor, except to his own fervant, what 'remains from his table; nor clarified butter, of which part has been offered to the gods; nor let

'him in person give spiritual counsel to such a

' man, nor personally inform him of the legal ex-

' piation for his fin:

81. 'Surely he, who declares the law to a fer-

vile man, and he, who instructs him in the

· mode of expiating fin, except by the intervention

of a priest, finks with that very man into the

· hell named Afamvrita.

- 82. 'Let him not stroke his head with both 'hands; nor let him even touch it, while food
- ' remains in his mouth; nor without bathing it,

· let him bathe his body.

- 83. Let him not in anger lay hold of hair, or
- fmite any one on the head; nor let him, after
- ' his head has been rubbed with oil, touch with

oil any of his limbs.

- 84. ' From a king, not born in the military
- class, let him accept no gift, nor from such as
- keep a flaughterhouse or an oilpress, or put out
- 'a vintner's flag, or fubfift by the gain of prosti-
- tutes:
 - 85. 'One oilpress is as bad as ten slaughter-
- ' houses; one vintner's flag, as ten oilpresses; one
- ' prostitute, as ten vintner's flags; one such

' king, as ten prostitutes;

- 86. 'With a flaughterer, therefore, who em-
- · ploys ten thousand slaughterhouses, a king, not
- · a foldier by birth, is declared to be on a level;
- * and a gift from him is tremendous.

87. 'He, who receives a present from an ava-

ricious king and a transgressor of the sacred or-

dinances, goes in succession to the following

twenty-one hells:

88. 'Támifra, Andhatámifra, Maháraurava,

· Raurava, Naraca, Cálasutra, and Mahánaraca;

89. ' Sanjivana, Mahávichi, Tapana, Sampra-

' tápaná, Sanháta, Sacácóla, Cudmala, Pútimrittica; 90. 'Lóhafancu, or ironspiked, and Rijisha,

' Pant' bána, the river Sálmali, Asipatravana, or

' the fwordleaved forest, and Lob'angaraca, or the

• pit of redbot charcoal.

91. ' Bráhmens, who know this law, who

fpeak the words of the Veda, and who feek

blis after death, accept no gifts from a king.

92. 'LET the housekeeper wake in the time

' facred to BRA'HMI', the goddess of speech, that

is, in the last watch of the night: let him then

reflect on virtue and virtuous emoluments, on

the bodily labour, which they require, and on the

whole meaning and very effence of the Vėda.

93. 'Having risen, having done what nature

makes necessary, having then purified himself

and fixed his attention, let him stand a long

time repeating the gayatri for the first or morn-

' ing twilight; as he must, for the last or evening

twilight in its proper time.

94. 'By continued repetition of the gáyatri at

the twilights, the holy fages acquire length of

* days, perfect knowledge, reputation during life,

' fame after death, and celestial glory.

95. 'Having duly performed the upácarma.

or domestic ceremony with sacred fire, at the full

' moon of Srávana or of Bhádra, let the Bráb-

' men, fully exerting his intellectual powers, read

the Vedas during four months and one fort-

'night:

- 96. 'Under the lunar afterism Pushya, or on the first day of the bright half of Mágha, and in the first part of the day, let him perform, out of the town, the ceremony called the utserna of
- of the town, the ceremony called the utserga of the Védas.
- 97. 'Having performed that ceremony out of town, as the law directs, let him defift from
- reading for one intermediate night winged with
- ' two days, or for that day and that following

' night only;

- 98. 'But after that intermission, let him atten-
- tively read the Védas in the bright fortnights;
- and in the dark fortnights let him constantly

' read all the Védángas.

- 99. 'He must never read the Véda without
- 'accents and letters well pronounced; nor ever 'in the presence of Súdras; nor, baving begun
- ' to read it in the last watch of the night, must
- ' he, though fatigued, sleep again.
 - 100. By the rule just mentioned let him
- 6 continually, with his faculties exerted, read the
- · Mantras, or holy texts, composed in regular

- measures; and, when he is under no restraint,
- Let him read both the Mantras and the
- * Brábmanas, or chapters on the attributes of
- · GoD.
 - 101. 'LET a reader of the Veda, and a teacher
- of it to his pupils, in the form prescribed, al-
- ways avoid reading on the following prohibited
- days.
 - 102. 'By night, when the wind meets his
- ear, and by day when the dust is collected,
- be must not read in the season of rain; since both
- *those times are declared unfit for reading, by
- * fuch as know when the Vėda ought to be read.
 - 103. ' In lightning, thunder, and rain, or
- during the fall of large fireballs on all fides, at
- fuch times MENU has ordained the reading of
- * scripture to be deferred till the same time next
- day.
- 104. When the priest perceives those acci-
- dents occurring at once, while his fires are kindled
- * for morning and evening facrifices, then let him
- * know, that the Vėda must not be read; and
- when clouds are feen gathered out of feafon.
 - 105. On the occasion of a preternatural
- found from the sky, of an earthquake, or an
- obscuration of the heavenly bodies, even in due
- feafon, let him know, that his reading must be
- * postponed till the proper time:
 - 106. But if, while his fires are blazing,
- the found of lightning and thunder is heard

- · without rain, his reading must be discontinued,
- only while the phenomenon lasts; the remain-
- ' ing event, or rain also, happening, it must cease

for a night and a day.

- 107. 'The reading of fuch, as wish to attain
- the excellent reward of virtue, must continually
- be fuspended in towns and in cities, and always
- where an offensive smell prevails.
 - 108. 'In a district, through which a corpse
- ' is carried, and in the presence of an unjust per-
- ' fon, the reading of scripture must cease; and
- while the found of weeping is heard; and in a
- ' promiscuous assembly of men.
 - 109. 'In water, near midnight, and while the two
- ' natural excretions are made, or with a remnant
- of food in the mouth, or when the fráddha has
- recently been eaten, let no man even meditate
- ' in his heart on the boly texts.
 - 110. 'A learned Brahmen, having received an
- ' invitation to the obsequies of a single ancestor,
- ' must not read the Véda for three days; nor
- when the king has a fon born; nor when the
- ' dragon's head causes an eclipse.
 - 111. 'As long as the scent and unctuosity of
- ' perfumes remain on the body of a learned
- ' priest, who has partaken of an entertainment,
- ' fo long he must abstain from pronouncing the texts of the Veda.
 - 112. 'Let him not read lolling on a couch,

- " nor with his feet raifed on a bench, nor with
- * his thighs croffed, nor having lately fwallowed
- * meat, or the rice and other food given on the
- birth or death of a relation;
- 113. 'Nor in a cloud of dust, nor while ar-
- " rows whiz, or a lute founds, nor in either of the
- * twilights, nor at the conjunction, nor on the
- fourteenth day, nor at the opposition, nor on the
- eighth day, of the moon:
- 114. 'The dark lunar day destroys the spi-
- ritual teacher; the fourteenth destroys the
- · learner; the eighth and the day of the full
- moon destroy all remembrance of scripture; for
- which reasons he must avoid reading on those
- · lunar days.
- 115. 'Let no Brabmen read, while dust falls
- blike a shower, nor while the quarters of the
- firmament are inflamed, nor while fkakals
- e yell, nor while dogs bark or yelp, nor while
- · affes or camels bray, nor while men in company
- chatter.
- 116. 'He must not read near a cemetery, near
- a town, or in a pasture for kine; nor in a
- mantle worn before at a time of dalliance;
- onor having just received the present usual at
- * obsequies:
 - 117. 'Be it an animal, or a thing inanimate,
- ' or whatever be the gift at a fråddba, let him
- * not, having lately accepted it, read the Veda;

for such a Brabmen is said to have his mouth in his hand.

118. 'When the town is belet by robbers, or an alarm has been raifed by fire, and all in terrors from strange phenomena, let him know,

that his lecture must be suspended till the due

time after the cause of terror bas ceased.

time after the that of terror has teaget.

119. 'The suspension of reading scripture, after a performance of the upacarma and utserga, must be for three whole nights, by the man who seeks virtue more than knowledge; also for one day and night, on the eight lunar days which follow those ceremonies, and on the nights at the close of the seasons.

120. 'Never let him read on horseback, nor on a tree, nor on an elephant, nor in a boat, on on an ass, nor on a camel, nor standing on

barren ground, nor borne in a carriage;

'during a mutual affault, nor with an army, nor hattle, nor after food, while his hand is moist from washing, nor with an indigestion,

' nor after vomiting, nor with four eructations;

122. 'Nor without notice to a guest just ar-'rived, nor while the wind vehemently blows,

'nor when blood guthes from his body, nor

' when it is wounded by a weapon.

123. While the strain of the Saman meets

his ear, he shall not read the Rich, or the Ya-

'jush; nor any part of the Véda, when he has

'just concluded the whole; nor any other part,

when he has just finished the book entitled

· A'ranyaca:

124. 'The Rigvéda is held facred to the gods;

the Yajurvéda relates to mankind; the Sáma-

' véda concerns the manes of ancestors, and the

' found of it, when chanted, raises therefore a

' notion of fomething impure.

125. Knowing this collection of rules, let the learned read the Véda on every lawful day, having first repeated in order the pure effence

of the three Vedas, namely, the pranava, the

· vyáhritis, and the gáyatri.

126. 'If a beast used in agriculture, a frog, a

cat, a dog, a fnake, an ichneumon, or a rat, pass

' between the lecturer and his pupil, let him know,

that the lecture must be intermitted for a day and a night.

· 127. 'Two occasions, when the Vėda must

'not be read, let a Bráhmen conftantly observe

' with great care; namely, when the place for

reading it is impure, and when he is himself

' unpurified.

128. 'On the dark night of the moon, and on the eighth, on the night of the full moon,

' and on the fourteenth, let a Brábmen, who keeps

house, be continually chaste as a student in theo-

'logy, even in the season of nuptial embraces.

129. 'Let him not bathe, having just eaten; 'nor while he is afflicted with disease; nor in the middle of the night; nor with many 'clothes; nor in a pool of water imperfectly known.

fladow of facred images, of a natural or spiritual father, of a king, of a Bráhmen, who keeps house, or of any reverend personage; nor of a redhaired or coppercoloured man; nor of one, who has just performed a facrisice.

131. 'At noon or at midnight, or having eaten 'flesh at a fráddha, or in either of the twilights, 'let him not long tarry, where four ways meet 132. 'He must not standknowingly near oil and other things, with which a man has rubbed his body, or water, in which he has washed him'felf, or feces and urine, or blood, or mucus, or 'any thing chewed and spitten out, or any thing 'vomited.

133. 'Let him shew no particular attention to 'his enemy, or his enemy's friend, to an unjust 'person, to a thief, or to the wife of another 'man;

134. Since nothing is known in this world for obstructive to length of days, as the culpable attention of a man to the wife of another.

135; 'Never let him, who desires an increase

- of wealth, despise a warriour, a serpent, or a
- priest versed in scripture, how mean soever
- they may appear;
- 136. 'Since those three, when contemned,
- may deftroy a man; let a wife man therefore
- always beware of treating those three with con-
- * tempt:
 - 137. 'Nor should he despise even himself on
- · account of previous miscarriages: let him pur-
- fue fortune till death, nor ever think her hard
- to be attained.
 - 138. 'Let him fay what is true, but let him
- fay what is pleafing; let him speak no disagree-
- 'able truth, nor let him speak agreeable false-
- hood: this is a primeval rule.
 - 139. 'Let him fay "well and good," or let
- 'him fay, "well" only; but let him not main-
- tain fruitless enmity and altercation with any
- · man.
- 140. 'Let him not journey too early in the
- morning or too late in the evening, nor too
- ' near the midday, nor with an unknown com-
- ' panion, nor alone, nor with men of the fervile
- class.
 - 141. 'Let him not infult those, who want a
- ' limb, or have a limb redundant, who are un-
- 'learned, who are advanced in age, who have
- ' no beauty, who have no wealth, or who are of
- 'an ignoble race.



142. 'Let no priest, unwashed after food, touch with his hand a cow, a Brahmen, or fire; 'nor, being in good health and unpurished, let

' him even look at the luminaries in the firma-

ment:

143. 'But, having accidentally touched them before his purification, let him ever sprinkle, with water in the palm of his hand, his organs

of fensation, all his limbs, and his navel.

144. 'Not being in pain from disease, let him 'never without cause touch the cavities of his 'body; and carefully let him avoid his concealed 'hair.

145. Let him be intent on those propitious observances which lead to good fortune,

and on the discharge of his customary duties,

his body and mind being pure, and his members kept in fubication: let him confantly without

kept in subjection; let him constantly without

'remissiness repeat the gáyatrì, and present his 'oblation to fire:

146. 'To those, who are intent on good fortune and on the discharge of their duties, who

'are always pure, who repeat the holy text and

' make oblations to fire, no calamity happens.

147. 'In due feafon let him ever study the feripture without negligence; for the fages call that his principal duty: every other duty

' is declared to be subordinate.

148. 'By reading the Vėda continually, by

purity of body and mind, by rigorous de-

votion, and by doing no injury to animated

creatures, he brings to remembrance his former

birth:

149. 'A Bråbmen, remembering his former birth, again reads the Véda, and, by reading it

constantly, attains bliss without end.

150. On the days of the conjunction and opposition, let him constantly make those obla-

opponion, let min contains, made sayatri, and tions, which are hallowed by the gayatri, and

those, which avert misfortune; but on the

eighth and ninth lunar days of the three dark

fortnights after the end of Agraháyan, let him always do reverence to the manes of ancestors.

151. 'Far from the mansion of holy fire, let

him remove all ordure; far let him remove

water, in which feet have been washed; far

' let bim remove all remnants of food, and all fe-

' minal impurity.

152. 'AT the beginning of each day let him

discharge his feces, bathe, rub his teeth, apply

'a collyrium to his eyes, adjust his dress, and

adore the gods.

153. On the dark lunar day, and on the

other monthly parvans, let him vifit the images

of deities, and Brabmens eminent in virtue, and

the ruler of the land, for the lake of protection,

and those whom he is bound to revere.

154. 'Let him humbly greet venerable men,

- * who visit him, and give them his own feat; let
- ' him fit near them, closing the palms of his
- ' hands; and when they depart, let him walk
- fome way behind them.
- 155. 'Let him practife without intermission
- that system of approved usages, which is the
- ' root of all duty religious and civil, declared at
- ' large in the scripture and sacred lawtracts, to-
- ' gether with the ceremonies peculiar to each 'act:
- 156. 'Since by fuch practice long life is at-
- ' tained; by fuch practice is gained wealth un-
- ' perishable; such practice baffles every mark of
- fill fortune:
- 157. But, by an opposite practice, a man
- ' furely finks to contempt in this world, has al-
- ' ways a large portion of mifery, is afflicted with
- ' difease and shortlived;
 - 158. While the man, who is observant of
- 'approved usages, endued with faith in scrip-
- ' ture, and free from a spirit of detraction, lives
- 'a hundred years, even though he bear no
- ' bodily mark of a prosperous life.
 - 159. Whatever act depends on another man,
- ' that act let him carefully shun; but whatever
- ' depends on himself, to that let him studiously
- fattend:
 - 160. 'ALL, THAT DEPENDS ON ANOTHER,

- GIVES PAIN; AND ALL, THAT DEPENDS ON
- HIMSELF, GIVES PLEASURE; let him know
- this to be in few words the definition of plea-

' fure and pain.

161. 'When an act, neither prescribed nor

· probibited, gratifies the mind of him, who per-

forms it, let him perform it with diligence;

but let him avoid its opposite.

162. Him, by whom he was invested with

'the facrificial thread, him, who explained the

· Veda or even a part of it, his mother, and his

father, natural or spiritual, let him never op-

' pose; nor priests, nor cows, nor persons truly

devout.

163. 'Denial of a future state neglect of the

' scripture, and contempt of the deities, envy and

hatred, vanity and pride, wrath and feverity,

· let him at all times avoid.

164. Let him not, when angry, throw a

flick at another man, nor fmite him with any

thing; unless he be a fon or a pupil: those

'two he may chastise for their improvement in

' learning.

165. A twice-born man, who barely af-

faults a Brabmen with intention to hurt him,

· shall be whirled about for a century in the hell

named Támisra;

166. ' But, having smitten him in anger, and

- by defign, even with a blade of grafs, he shall
- be born, in one and twenty transmigrations,
- ' from the wombs of impure quadrupeds.
 - 167. He, who, through ignorance of the
- ' law, sheds blood from the body of a Brábmen,
- ' not engaged in battle, shall feel excessive pain
- ' in his future life:
 - 168. 'As many particles of dust as the blood
- ' shall roll up from the ground, for so many years
- fhall the shedder of that blood be mangled by
- other animals in his next birth.
 - 169. Let not him then, who knows this law,
- ' even affault a Bråbmen at any time, nor strike
- ' him even with grass, nor cause blood to gush
- ' from his body.
- 170. 'Even here below an unjust man attains
- ' no felicity; nor he, whose wealth proceeds from
- ' giving false evidence; nor he, who constantly
- ' takes delight in mischief.
- 171. 'Though oppressed by penury, in con-
- ' sequence of his righteous dealings, let him never
- ' give his mind to unrighteoufness; for he may
- ' observe the speedy overthrow of iniquitous and
- ' finful men.
- 172. 'Iniquity, committed in this world,
- * produces not fruit immediately, but, like the
- earth, in due feason; and, advancing by little
- ' and little, it eradicates the man, who committed
- 'it.

173. 'Yes; iniquity, once committed, fails not of producing fruit to him, who wrought

it; if not in his own person, yet in his sons;

or, if not in his fons, yet in his grandfons:

174. 'He grows rich for a while through

' unrighteousness; then he beholds good things;

' then it is, that he vanquishes his foes; but he

perishes at length from his whole root up-

wards..

175. 'LET a man continually take pleasure

in truth, in justice, in laudable practices, and in

' purity; let him chastise those, whom he may

· chastise, in a legal mode; let him keep in sub-

' jection his speech, his arm, and his appetite:

176. Wealth and pleasures, repugnant to

· law, let him shun; and even lawful acts, which

' may cause future pain, or be offensive to man-

' kind.

177. 'Let him not have nimble hands, rest-

' less feet, or voluble eyes; let him not be crooked

'in his ways; let him not be flippant in his

' speech, nor intelligent in doing mischief.

178. Let him walk in the path of good men;

' the path, in which his parents and forefathers

'walked: while he moves in that path, he can

' give no offence.

179. WITH an attendant on confecrated

fire, a performer of holy rites, and a teacher of

the Vėda, with his maternal uncle, with his

- ' guest or a dependant, with a child, with a
- ' man either aged or fick, with a phyfician,
- ' with his paternal kindred, with his relations by
- ' marriage, and with cousins on the fide of his
- 'mother,
 - 180. 'With his mother herfelf, or with his
- ' father, with his kinfwomen, with his brother,
- with his fon, his wife, or his daughter, and
- with his whole fet of fervants, let him have no
- · firife.
 - 181. 'A house-keeper, who shuns altercation
- ' with those just mentioned, is released from all
- ' fecret faults; and, by fuppreffing all fuch dif-
- ' putes, he obtains a victory over the following
- worlds:
- 182. 'The teacher of the Veda fecures him
- the world of BRAHMA'; his father, the world
- ' of the Sun, or of the Prajapetis; his guest, the
- ' world of INDRA; his attendance on holy fire,
- the world of Devas;
- 183. ' His female relations, the world of ce-
- ' lestial nymphs; his maternal coufins, the world
- ' of the Visvadevas; his relations by affinity, the
- ' world of waters; his mother and maternal
- ' uncle give him power on earth;
- 184. 'Children, old men, poor dependants,
- ' and fick persons, must be considered as rulers
- of the pure ether; his elder brother, as equal

to his father; his wife and son, as his own body;

185. 'His affemblage of servants, as his own

- ' shadow; his daughter, as the highest object of
- ' tenderness: let him, therefore, when offended
- by any of those, bear the offence without in-

dignation.

186. 'Though permitted to receive presents,

- 'let him avoid a habit of taking them; fince,
- by taking many gifts, his divine light foon fades.

187. Let no man of sense, who has not fully

- ' informed himself of the law concerning gifts of
- ' particular things, accept a present, even though

he pine with hunger.

188. 'The man, who knows not that law,

- 'yet accepts gold or gems, land, a horse, a
- cow, food, raiment, oils or clarified butter,
- becomes mere ashes, like wood consumed by
- fire:

189. 'Gold and gems burn up his nourish-

- * ment and life; land and a cow, his body; a
- horse, his eyes; raiment, his skin; clarified
- butter, his manly strength; oils, his progeny.

190. 'A twice-born man, void of true devo-

- ' tion, and not having read the Véda, yet eager
- to take a gift, finks down together with it, as
- with a boat of stone in deep water.

191. 'Let him then, who knows not the

· law, be fearful of presents from this or that

' giver; fince an ignorant man, even by a fmall

' gift, may become helpless as a cow in a bog.

192. 'Let no man, apprized of this law, pre-

' fent even water to a priest, who acts like a cat,

' not to him, who acts like a bittern, nor to him,

who is unlearned in the Veda;

193. 'Since property, though legally gained,

if it be given to either of those three, becomes

' prejudicial in the next world both to the giver

' and receiver:

194. 'As he, who tries to pass over deep

water in a boat of stone, finks to the bottom,

fo those two ignorant men, the receiver and the

' giver, fink to a region of torment.

195. 'A covetous wretch, who continually

' displays the flag of virtue, a pretender, a de-

' luder of the people, is declared to be the man,

'who acts like a cat: he is an injurious hypo-

crite, a detractor from the merits of all men.

196. 'A twice-born man, with his eyes de-

' jected, morose, intent on his own advantage,

'fly, and falfely demure, is he, who acts like a bittern.

197. 'Such priests, as live like bitterns, and

' fuch as demean themselves like cats, fall by

'that finful conduct into the hell called And-

· batamifra.

198. LET no man, having committed fin, perform a penance, under the pretext of austere

devotion, difguifing his crime under fictitious

religion and deceiving both women and low men: 199. 'Such impostors, though Brábmens, are

despised, in the next life and in this, by all who

e pronounce holy texts; and every religious act

· fraudulently performed goes to evil beings,

200. 'He, who has no right to diffinguishing

e marks, yet gains a subsistence by wearing false marks of distinction, takes to himself the sin

committed by those who are entitled to such

e marks, and shall again be born from the womb of a brute animal.

201. 'NEVER let him bathe in the pool of

'another man; for he, who bathes in it without

· licence, takes to himself a small portion of the

fins, which the maker of the pool has committed. 202. 'He, who appropriates to his own use

' the carriage, the bed, the feat, the well, the gar-

den, or the house of another man, who has not

delivered them to him, assumes a fourth part

of the guilt of their owner.

203. 'In rivers, in ponds dug by holy perfons, and in lakes, let him always bathe; in

' rivulets also, and in torrents.

204. A WISE man should constantly dif-

charge all the moral duties, though he perform

ont constantly the ceremonies of religion; since

he falls low, if, while he performs ceremonial

'acts only, he discharge not his moral duties,

205. 'NEVER let a priest eat part of a sacri-

' fice not begun with texts of the Veda, nor of

one performed by a common facrificer, by a

' woman, or by an eunuch:

200. 'When those persons offer the clarified

butter, it brings misfortune to good men, and

' raises aversion in the deities; such oblations,

therefore, he must carefully shun.

207. 'Let him never eat the food of the in-

' sane, the wrathful, or the sick; nor that, on

' which lice have fallen; nor that, which has

designedly been touched by a foot;

208. 'Nor that, which has been looked at

by the flayer of a priest, or by any other deadly

finner, or has even been touched by a woman

'in her courses, or pecked by a bird, or ap-

' proached by a dog;

209. 'Nor food which has been smelled by a

'cow; nor particularly that, which has been

' proclaimed for all comers; nor the food of af-

' fociated knaves, or of harlots; nor that, which

is contemned by the learned in scripture;

210. 'Nor that of a thief or a public singer,

of a carpenter, of an usurer, of one who has

frecently come from a facrifice, of a niggardly

churl, or of one bound with fetters;

211. 'Of one publickly defamed, of an eu-

- * nuch, of an unchaste woman, or of a hypocrite;
- " nor any fweet thing turned acid, nor what has
- been kept a whole night; nor the food of a fer-
- * vile man, nor the orts of another;
- 212. 'Nor the food of a physician, or of a
- hunter, or of a dishonest man, or of an eater of
- orts; nor that of any cruel person; nor of a
- woman in childbed; nor of him, who rifes
- · prematurely from table to make an ablution;
- nor of her, whose ten days of purification have
- * not elapfed;
 - 213. 'Nor that, which is given without due
- honour to honourable men; nor any flesh,
- which has not been facrificed; nor the food of
- a woman, who has neither a husband nor a fon;
- nor that of a foe, nor that of the whole town,
- nor that of an outcast, nor that on which any
- · person has sneezed;
- 214. Nor that of a backbiter, or of a false
- witness; nor of one, who sells the reward of
- his facrifice; nor of a publick dancer, or a
- tailor; nor of him, who has returned evil for
- good;
- 215. 'Nor that of a blackfmith, or a man of
- the tribe called Nishada, nor of a stageplayer,
- ' nor of a worker in gold or in cane, nor of him
- · who fells weapons;
- 216. 'Nor of those, who train hunting dogs,
- or fell fermented liquor; nor of him who

- washes clothes, or who dyes them; nor of any
- · malevolent person; nor of one, who ignorantly
- fuffers an adulterer to dwell under his roof;
 - 217. 'Nor of those, who knowingly bear with
- the paramours of their own wives, or are con-
- flantly in subjection to women; nor food given
- for the dead before ten days of purification
- ' have passed; nor any food whatever, but that
- which fatisfies him.
 - 218. 'Food given by a king, impairs his
- * manly vigour; by one of the fervile class, his
- 'divine light; by goldsmiths, his life; by
- *leathercutters, his good name:
 - 219. 'Given by cooks and the like mean ar-
- tisans, it destroys his offspring; by a washer-
- ' man, his muscular strength; but the food of
- 'knavish affociates and harlots excludes him
- from heaven:
 - 220. 'The food of a physician is purulent;
- ' that of a libidinous woman, feminal; that of an
- usurer, feculent; that of a weaponseller, filthy:
 - 221. 'That of all others, mentioned in order,
- whose food must never be tasted, is held equal
- by the wife to the skin, bones, and hair of the
- dead.
- 222. 'Having unknowingly swallowed the
- ' food of any fuch persons, he must fast during
- ' three days; but, having eaten it knowingly, he
- must perform the same harsh penance, as if he

had tafted any feminal impurity, ordure, or varine.

223. Let no learned priest eat the dressed

grain of a fervile man, who performs no pa-

rental obsequies; but, having no other means

* to live, he may take from him raw grain enough

of for a fingle night.

224. 'The deities, having well confidered the

food of a niggard, who has read the scripture,

and that of an usurer, who bestows gifts libe-

rally, declared the food of both to be equal in

quality;

225. 'But BRAHMA, advancing toward the gods, thus addressed them: "Make not that equal, which in truth is unequal; since the food of a liberal man is purified by faith, while

that of a learned miser is defiled by his want of

" faith in what he has read."

226. Let each wealthy man continually and fedulously perform facred rites, and confecrate pools or gardens with faith; fince those two acts, accomplished with faith and with riches

· honestly gained, procure an unperishable re-

* ward.

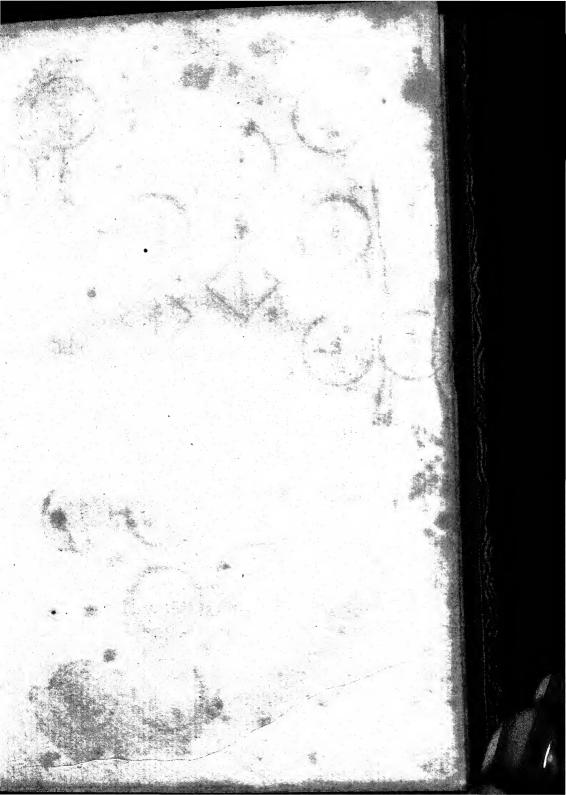
227. If he meet with fit objects of benevo-

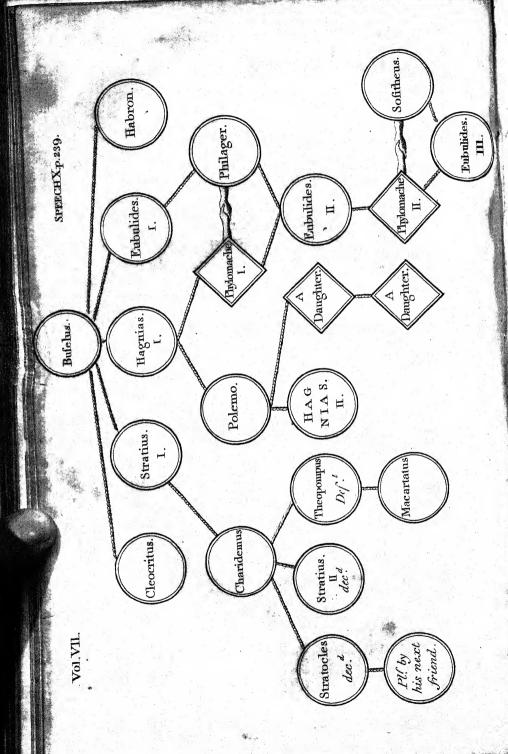
· lence, let him constantly bestow gifts on them,

both at facrifices and confecrations, to the best

of his power and with a chearful heart;

228. Such a gift, how fmall foever, be-





flowed on request without grudging, passes to a worthy object, who will secure the giver from

all evil.

229. 'A giver of water obtains content; à

' giver of food, extreme blis; a giver of tila,

'defired offspring; a giver of a lamp, unble-

' mished eyesight;

230. A giver of land obtains landed pro-

' perty; a giver of gems or gold, long life; a

' giver of a house, the most exalted mansion; a

' giver of filver, exquisite beauty;

231. A giver of clothes, the same station

with CHANDRA; a giver of a horse, the same

flation with Aswr; a giver of a bull, emi-

' nent fortune; a giver of a cow, the manlion of

SU'RYA;

232. A giver of a carriage or a bed, an ex-

cellent confort; a giver of safety, supreme do-

'minion; a giver of grain, perpetual delight; a

' giver of scriptural knowledge, union with GoD:

233. Among all those gifts, of water, food,

kine, land, clothes, tila, gold, clarified butter,

' and the rest, a gift of spiritual knowledge is

' consequently the most important;

234. 'And for whatever purpose a man bestows

' any gift, for a fimilar purpose he shall receive,

with due honour, a fimilar reward.

235. 'Both he, who respectfully bestows a present, and he who respectfully accepts it,

fhall go to a feat of blifs; but, if they act

otherwise, to a region of horror.

236. LET not a man be proud of his rigor-

ous devotion; let him not, having facrificed, utter a falsehood; let him not, though injured,

· infult a priest; having made a donation, let him

never proclaim it:

237. 'By falsehood, the facrifice becomes vain; by pride, the merit of devotion is lost;

by infulting priefts, life is diminished; and by

* proclaiming a largess, its fruit is destroyed.

238. GIVING no pain to any creature, let

him collect virtue by degrees, for the fake

of acquiring a companion to the next world, as

• the white ant by degrees builds his nest;

239. 'For, in his passage to the next world, neither his father, nor his mother, nor his wife,

onor his son, nor his kinsmen, will remain in his

company: his virtue alone will adhere to him.

240. 'Single is each man born; fingle he

dies; fingle he receives the reward of his

good, and fingle the punishment of his evil,

· deeds:

241. When he leaves his corfe, like a log or

a lump of clay, on the ground, his kindred re-

' tire with averted faces; but his virtue accom-

panies his foul.

242. 'Continually, therefore, by degrees let

him collect virtue, for the fake of fecuring an

- 'infeparable companion; fince with virtue for
- ' his guide, he will traverse a gloom, how hard '
- ' to be traversed!
 - 243. ' A man, habitually virtuous, whose of-
- ' fences have been expiated by devotion, is in-
- 'ftantly conveyed after death to the higher
- ' world, with a radiant form and a body of ethe-
- real fubstance.
 - 244. 'HE, who feeks to preserve an exalted
- ' rank, must constantly form connexions with
- 'the highest and best families, but avoid the
- ' worst and the meanest;
 - 245. 'Since a priest, who connects himself
- with the best and highest of men, avoiding the
- · lowest and worst, attains eminence; but finks,
- by an opposite conduct, to the class of the fer-
- 246. 'He, who perseveres in good actions,
- in fubduing his passions, in bestowing largestes,
- in gentleness of manners, who bears hardships
- ' patiently, who affociates not with the malig-
- ' nant, who gives pain to no fentient being, ob-
- ' tains final beatitude.
 - 247. ' Wood, water, roots, fruit, and food
- ' placed before him without his request, he may
- ' accept from all men; honey also, and protec-
- ' tion from danger.
 - 248. 'Gold, or other alms, voluntarily
- 'brought and prefented, but unasked and unvol. v. R

promised, BRAHMA considered as receivable even from a finner:

249. Of him, who shall disdain to accept

· fuch alms, neither will the manes eat the fune-

e ral oblations for fifteen years, nor will the fire

convey the burnt facrifice to the gods.

250. 'A bed, houses, blades of cus'a, per-

fumes, water, flowers, jewels, buttermilk,

ground rice, fish, new milk, flesh-meat, and

green vegetables, let him not proudly reject.

251. When he wishes to relieve his natural parents or spiritual father, his wife or others,

whom he is bound to maintain, or when he is

' preparing to honour deities or guests, he may

receive gifts from any person, but must not

gratify himself with such presents:

252. 'If his parents, however, be dead, or if

he live without them in his own house, let

him, when he feeks nourishment for himself,

receive presents invariably from good men ' alone.

253. 'A labourer in tillage, a family friend, ' a herdsman, a slave, a barber, a poor stranger

offering his humble duty, are men of the fer-

vile class, who may eat the food of their supe-

friors:

254. 'As the nature of the poor stranger is,

as the work is, which he defires to perform,

and as he may show most respect to the master

- * of the house, even thus let him offer his fer* vice;
- 235. For he, who describes himself to worthy men in a manner contrary to truth,
- is the most finful wretch in this world: he
- is the worst of thieves, a stealer of minds.
 - 256. 'All things have their fense ascer-
- tained by fpeech; in fpeech they have their
- ' basis; and from speech they proceed: con-
- fequently, a falfifier of speech falfifies every
- ' thing.
- 257. 'WHEN he has paid, as the law directs,
- his debts to the fages, to the manes, and to the
- 'gods, by reading the scripture, begetting a son,
- and performing regular facrifices, he may refign
- 'all to his fon of mature age, and refide in his
- family house, with no employment, but that of an umpire.
- 258. 'Alone, in fome folitary place, let him
- constantly meditate on the divine nature of the
- foul, for by fuch meditation he will attain hap-
- piness.
 - 259. 'T HUS has been declared the mode, by
- which a Brábmen, who keeps house, must con-
- ' tinually fubfift, together with the rule of de-
- ' votion ordained for a pupil returned from his
- ' preceptor; a laudable rule, which increases the
- ' best of the three qualities.

260. A priest, who lives always by these

- rules, who knows the ordinances of the Vėda,
- who is freed from the bondage of fin, shall be
- · abforbed in the divine effence.

CHAPTER THE FIFTH.

On Diet, Purification, and Women.

- 1. 'THE fages, having heard those laws delivered for the conduct of housekeepers, thus addressed the highminded Bhrigu, who proceeded in a former birth from the genius of fire.
- 2. 'How, Lord, can death prevail over Bråb'mens, who know the scriptural ordinances,
 'and perform their duties, as they have been de'clared?'
- 3. 'Then he, whose disposition was perfect virtue, even Bhrigu, the son of Menu, thus answered the great Rifbis: 'Hear, from what in proceeds the inclination of death, to destroy
- ' the chief of the twice-born:
 - 4. 'Through a neglect of reading the Vėda,
- ' through a defertion of approved usages, through
- ' fupine remissiness in performing boly rites, and
- ' through various offences in diet, the genius of
- death becomes cager to destroy them.
 - 5. Garlick, onions, leeks, and mushrooms

' (which no twice-born man must eat), and all · vegetables raifed in dung,

6. 'Red gums or refins, exuding from trees, and juices from wounded stems, the fruit felu,

and the thickened milk of a cow within ten

days after her calving, a priest must avoid with great care.

7. Ricepudding boiled with tila, frumenty, ricemilk, and baked bread, which have not

· been first offered to some deity, sleshmeat also,

the food of gods, and clarified butter, which

have not first been touched, while holy texts

were recited,

8. 'Fresh milk from a cow, whose ten days are not passed, the milk of a camel, or any qua-

druped with a hoof not cloven, that of an ewe,

and that of a cow in heat, or whose calf is dead

or absent from her,

9. 'That of any forest beast, except the buf-

falo, the milk of a woman, and any thing naturally fweet but acidulated, must all be care-

fully shunned:

10. 'But among fuch acids, buttermilk may

· be fwallowed, and every preparation of butter-

milk, and all acids extracted from pure flowers,

roots, or fruit not cut with iron.

11. 'Let every twice-born man avoid carnivorous birds, and fuch as live in towns, and

quadrupeds with uncloven hoofs, except those

- 'allowed by the Vèda, and the bird called tit-'tibba;
- 12. 'The sparrow, the water bird plava, the phenicopteros, the chacraváca, the breed of the
- towncock, the fárafa, the rajjuvála, the wood-
- pecker, and the parrot, male and female;
 - 13. ' Birds, that strike with their beaks, web-
- footed birds, the cóya sti, those, who wound
- with strong talons, and those, who dive to de-
- vour fish: let him avoid meat kept at a slaughter
- house, and dried meat,
 - 14. 'The heron, the raven, the c'banjana, all
- 'amphibious fisheaters, tame hogs, and fish of
- every fort, but those expressly permitted.
- 15. 'He, who eats the flesh of any animal, is
- called the eater of that animal itfelf; and a fish-
- eater is an eater of all flesh; from fish, there-
- fore, he must diligently abstain:
- 16. 'Yet the two fish, called pát'bina and
- ' robita, may be eaten by the guests, when offered
- ' at a repast in honour of the gods or the manes;
- and fo may the rajiva, the finbatunda, and the
- ' fas'alca of every species.
 - 17. 'Let him not eat the flesh of any solitary
- ' animals, nor of unknown beafts or birds, though
- by general words declared eatable, nor of any
- ' creature with five claws;
- 18. 'The hedgehog and porcupine, the lizard
- ' gódbá, the gandaca, the tortoife, and the rabbit

- or bare, wife legislators declare lawful food
- among fivetoed animals; and all quadrupeds,
- camels excepted, which have but one row of feeth.
 - 19. 'The twiceborn man, who has inten-
- ' tionally eaten a mushroom, the flesh of a tame
- 'hog, or a town cock, a leek, or an onion, or
- ' garlick, is degraded immediately;
 - 20. 'But having undefignedly tasted either of
- those fix things, he must perform the penance
- fántapana, or the chándráyana, which anchorets
- practife: for other things he must fast a whole
- day.
 - 21. One of those harsh penances, called prá-
- · jápatya, the twice-born man must perform an-
- f nually, to purify him from the unknown taint
- of illicit food; but he must do particular penance
- for fuch food intentionally eaten.
 - 22. BEASTS and birds of excellent forts may
- be flain by Bráhmens for facrifice, or for the
- fustenance of those, whom they are bound to
- fupport; fince AGASTYA did this of old.
 - 23. 'No doubt, in the primeval facrifices by
- holy men, and in oblations by those of the
- priestly and military tribes, the slesh of such
- beafts and birds, as may be legally eaten, was
- ' presented to the deities.
- 24. 'That, which may be eaten or drunk,
- twhen fresh, without blame, may be swallowed,

- 'if touched with oil, though it has been kept a
- ' whole night; and so may the remains of cla-
- ' rified butter:
 - 25. 'And every mess prepared with barley or
- ' wheat, or with dreffed milk, may be eaten by
- 'the twiceborn, although not sprinkled with
- 'oil.
 - 26. 'Thus has the food, allowed or forbidden
- to a twiceborn man, been comprehensively
- ' mentioned: I will now propound the special
- rules for eating and for avoiding flesh meat.
 - 27. 'He should taste meat, which has been
- hallowed for a facrifice with appropriated texts,
- and, once only, when a priest shall defire him,
- and when he is performing a legal act, or in
- danger of losing life.
 - 28. 'For the sustenance of the vital spirit,
- BRAHMA created all this animal and vegetable
- ' fystem; and all, that is moveable or immoveable,
- that spirit devours.
 - 29. 'Things fixed are eaten by creatures with
- · locomotion; toothless animals, by animals with
- teeth; those without hands, by those to whom
- hands were given; and the timid, by the bold.
 - 30. 'He, who eats according to law, commits
- no fin, even though every day he taste the flesh
- of fuch animals, as may lawfully be tafted;
- fince both animals, who may be eaten, and

* those, who eat them, were equally created by * BRAHMA'.

31. It is delivered as a rule of the gods, that meat must be swallowed only for the purpose

of facrifice; but it is a rule of gigantick de-

* mons, that it may be fwallowed for any other * purpose.

32. 'No fin is committed by him, who, having honoured the deities and the manes, eats

fleshmeat, which he has bought, or which he

* has himself acquired, or which has been given

' him by another:

33. Let no twiceborn man, who knows the law, and is not in urgent distress, eat slesh

without observing this rule; for he, unable to

' fave himself, will be devoured in the next

· world by those animals, whose flesh he has thus

' illegally fwallowed.

34. 'The fin of him, who kills deer for gain,

is not fo heinous, with respect to the punish-

ment in another life, as that of him, who eats

· fleshmeat in vain, or not previously offered as a

· facrifice:

35. 'But the man, who, engaged in boly rites

according to law, refuses to eat it, shall fink in

'another world, for twenty-one births, to the

fate of a beaft.

36. ' Never let a priest eat the flesh of cattle

unhallowed with mantras, but let him eat it,

observing the primeval rule, when it has been

hallowed with those texts of the Véda.

37. 'Should he have an earnest desire to talte

flesh meat, he may gratify his fancy by form-

ing the image of some beast with clarified but-

ter thickened, or he may form it with dough;

but never let him indulge a wish to kill any

beaft in vain:

- 38. 'As many hairs as grow on the beaft, fo many fimilar deaths shall the slayer of it, for
- his own fatisfaction in this world, endure in the

next from birth to birth.

- 39. 'By the felfexisting in person were beasts
- * created for facrifice; and the facrifice was or-
- dained for the increase of this universe: the
- flaughterer, therefore, of beafts for facrifice is

in truth no flaughterer.

- 40. Gramineous plants, cattle, timbertrees,
- amphibious animals, and birds, which have been
- destroyed for the purpose of sacrifice, attain in

the next world exalted births.

- 41. 'On a folemn offering to a guest, at a
- facrifice, and in holy rites to the manes or to
- the gods, but on those occasions only, may
- cattle be flain: this law MENU enacted.
 - 42. 'The twiceborn man, who, knowing the
- meaning and principles of the Vėda, flays cattle
- on the occasions mentioned, conveys both him-
- felf and those cattle to the summit of beatitude.

43. Let no twiceborn man, whose mind is

· improved by learning, hurt animals without the

· fanction of fcripture, even though in preffing

diffress, whether he live in his own house,

or in that of his preceptor, or in a forest.

44. 'That hurt, which the scripture ordains,

and which is done in this world of moveable

and immoveable creatures, he must consider as

ono hurt at all; fince law shone forth from the

· light of the scripture.

45. 'He, who injures animals, that are not

injurious, from a wish to give himself pleasure,

adds nothing to his own happiness, living or

· dead;

46. 'While he, who gives no creature wil-

· lingly the pain of confinement or death, but

· feeks the good of all fentient beings, enjoys blifs

without end.

47. 'He, who injures no animated creature,

fhall attain without hardship whatever he

thinks of, whatever he strives for, whatever he

fixes his mind on.

48. Fleshmeat cannot be procured without

injury to animals, and the flaughter of animals

obstructs the path to beatitude; from flesh-

' meat, therefore, let man abstain:

49. 'Attentively confidering the formation of

bodies, and the death or confinement of em-

' bodied spirits, let him abstain from eating slesh-

' meat of any kind.

- 50. 'The man, who forfakes not the law,
- and eats not fleshmeat, like a bloodthirsty de-
- ' mon, shall attain good will in this world, and
- " shall not be afflicted with maladics.
 - 51. 'He, who confents to the death of an
- 'animal; he, who kills it; he, who dissects it;
- he, who buys it; he, who fells it; he, who
- dreffes it; he, who ferves it up; and he, who
- ' makes it his food; these are eight principals in
- the flaughter.
 - 52. Not a mortal exists more finful than he,
- who, without an oblation to the manes or the
- gods, defires to enlarge his own flesh with the
- · flesh of another creature.
 - 53. 'The man, who performs annually, for a
- hundred years, an aswamedha, or sacrifice of a
- " borfe, and the man, who abstains from flesh-
- e meat, enjoy for their virtue an equal reward.
 - 54. 'By subsisting on pure fruit and on roots,
- and by eating fuch grains as are eaten by her-
- mits, a man reaps not fo high a reward, as by
- e carefully abstaining from animal food.
 - 55. "Me he (mán sa) will devour in the next
- " world, whose flesh I eat in this life:" thus should
- " a flesheater speak, and thus the learned pro-
- ' nounce the true derivation of the word manfa,
- or flesh.
 - 56. 'In lawfully tafting meat, in drinking fer-

- · mented liquor, in careffing women, there is no
- turpitude; for to fuch enjoyments men are na-
- turally prone: but a virtuous abstinence from

them produces a fignal compensation.

- 57. Now will I promulgate the rules of pu-
- rification for the dead, and the modes of puri-
- fying inanimate things, as the law prescribes
- them for the four classes in due order.
 - 58. 'When a child has teethed, and when,
- after teething, his head has been shorn, and
- when he has been girt with his thread, and
- when, being full grown, he dies, all his kindred
- are impure: on the birth of a child the law is
- the fame.
- 59. 'By a dead body, the Sapindas are ren-
- dered impure in law for ten days, or until
- the fourth day, when the bones have been
- gathered up, or for three days, or for one day
- only, according to the qualities of the de-

· ceased:

- 60. 'Now the relation of the Sapindas, or
- men connected by the funeral cake, ceases with the seventh person, or in the sixth degree of as-
- cent or descent, and that of samanodacas, or
- · those connected by an equal oblation of water,
- ends only, when their births and family names
- are no longer known.
 - 61. 'As this impurity, by reason of a dead

- 'kinfman, is ordained for fapindas, even thus it
- ' is ordained on a childbirth, for those who feek
- ' absolute purity.
 - 62. 'Uncleanness, on account of the dead, is
- 'ordained for all; but on the birth of a child,
- for the mother and father: impurity, for ten
- 'days after the childbirth, affects the mother
- only; but the father, having bathed, becomes
- opure.
 - 63. 'A man, having wasted his manhood, is
- 'purified by bathing; but, after begetting a
- ' child on a parapurvá, he must meditate for three
- days on his impure state.
 - 64. 'In one day and night, added to nights
- ' three times three, the fapindas are purified after
- touching the corpse; but the famánódacas, in
- three days.
 - 65. ' A pupil in theology, having performed
- the ceremony of burning his deceased precep-
- tor, becomes pure in ten nights: he is equal,
- ' in that case, to the sapindas, who carry out the
- dead.
 - 66. 'In a number of nights, equal to the num-
- ber of months from conception, a woman is pu-
- 'rified on a miscarriage; and a woman in her
- ' courses is rendered pure by bathing, whenher
- ' effusion of blood has quite stopped.
- 67. For deceased male children, whose
- heads have not been shorn, purity is legally

obtained in one night; but for those, on whom

that ceremony has been performed, a purifica-

• tion of three nights is required.

68. A dead child under the age of two

· years, let his kinfmen carry out having decked

him with fowers, and bury him in pure ground,

without collecting his bones at a future time:

69. Let no ceremony with fire be performed

for him, nor that of sprinkling water; but his

' kindred, having left him like a piece of wood

in the forest, shall be unclean for three days.

70. 'For a child under the age of three years,

the ceremony with water shall not be perform-

ed by his kindred; but, if his teeth be com-

' pletely grown, or a name have been given him,

they may perform it, or not, at their option.

71. 'A fellow student in theology being dead,

three days of impurity are ordained; and, on

the birth of a famánódaca, purification is re-

quired for three nights.

72. 'The relations of betrothed but unmarried

damsels, are in three days made pure; and, in

as many, are their paternal kinfmen purified

· after their marriage:

73. Let them eat vegetable food without

factitious, that is, only with native, falt; let

them bathe for three days at intervals; let

them taste no sleshmeat; and let them sleep

apart on the ground.

74. 'This rule, which ordains impurity by reason of the dead, relates to the case of one

' dying near his kinsmen; but, in the case of one

' dying at a distance, the following rule must be

observed by those, who share the same cake, and

by those, who share only the same water:

75. 'The man, who hears that a kinfman is

' dead in a diftant country, becomes unclean, if

' ten days after the death have not passed, for

' the remainder of those ten days only;

76. 'But, if the ten days have elapsed, he is 'impure for three nights, and, if a year have 'expired, he is purified merely by touching 'water.

77. 'If, after the lapse of ten days, he know the death of a kinsman, or the birth of a male child, he must purify himself by bathing to-

'gether with his clothes.

78. 'Should a child, whose teeth are not grown, or should a famánódaca, die in a distant

region, the kinfman, having bathed with his

'apparel, becomes immediately pure.

79. 'If, during the ten days, another death or another birth intervene, a Bráhmen remains

' impure, only till those ten days have elapsed.

80. ' A spiritual teacher being dead, the sages

' declare his pupil impure for three days; but

for a day and a night, if the fon or wife of vol. v.

the teacher be deceased: such is the sacred ordinance.

81. 'For a reader of the whole Veda, who ' dwells in the same house, a man is unclean three

nights; but for a maternal uncle, a pupil, an

officiating prieft, and a diftant kinfman, only

one night winged with two days.

82. On the death of a military king, in whose dominion he lives, his impurity lasts

while the fun or the stars give light; but it lasts

· a whole day, on the death of a priest, who has

onot read the whole Véda, or of a spiritual ' guide, who has read only part of it, with its

· Angas.

83. 'A man of the facerdotal class becomes ' pure in ten days; of the warlike, in twelve; of the commercial, in five; of the fervile, in a month.

84. 'Let no man prolong the days of impu-' rity; let him not intermit the ceremonies to be

performed with holy fires; while he performs 'those rites, even though he be a sapinda, he is

onot impure.

85. 'He, who has touched a Chandála, a woman in her courses, an outcast for deadly sin,

a newborn child, a corpse, or one who has touched a corple, is made pure by bathing.

86. If, having sprinkled his mouth with

- ' water, and been long intent on his devotion, he
- ' see an unclean person, let him repeat, as well
- ' as he is able, the solar texts of the Veda, and
- ' those, which confer purity.
- 87. 'Should a Brábmen touch a human bone
- ' moist with oil, he is purified by bathing; if it
- be not oily, by stroking a cow, or by looking
- 'at the fun, having fprinkled his mouth duly
- ' with water.
 - 88. 'A student in theology shall not perform
- 'the ceremony of pouring water at obsequies,
- ' until he have completed his course of religious
- 'acts; but if, after the completion of them, he
- thus make an offering of water, be becomes
- ' pure in three nights.
 - 89. 'For those, who discharge not their pre-
- ' fcribed duties, for those, whose fathers were of
- ' a lower class than their mothers, for those, who
- ' wear a dress of religion unauthorized by the
- ' Vėda, and for those, who illegally kill them-
- ' felves, the ceremony of giving funeral water is
- ' forbidden by law;
- 90. 'And for women imitating fuch here-
- ' ticks, as wear an unlawful drefs, and for fuch
- ' women as live at their own pleasure, or have
- ' caused an abortion, or have stricken their hus-
- ' bands, or have drunk any spirituous liquor.
- 91. 'A student violates not the rules of his order, by carrying out, when dead, his own

' instructor in the Védas, who invested him with

his holy cord, or his teacher of particular

chapters, or his reverend expounder of their

meaning, or his father, or his mother.

92. Let men carry out a dead Sudra by the

· fouthern gate of the town; but the twiceborn,

in due order, by the western, northern, and

eastern gates.

93. 'No taint of impurity can light on kings

or students in theology, while employed in dif-

charging their several duties, nor on those who

have actually begun a facrifice; for the first are

' then placed on the feat of INDRA, and the others

' are always equally pure with the celestial spirit.

94. 'To a king, on the throne of magnani-

" mity, the law ascribes instant purification, be-

cause his throne was raised for the protection

of his people and the supply of their nourish-

" ment:

95. 'It is the same with the kinsmen of those,

who die in battle, after the king has been flain,

or have been killed by lightning, or legally by

' the king himself, or in defence of a cow, or of a

' priest; and with all those, whom the king

wishes to be pure.

96. 'The corporeal frame of a king is composed of particles from Soma, AGNI, SURYA,

PAVANA, INDRA, CUVE'RA, VARUNA, and

YAMA, the eight guardian deities of the world:

- 97. 'By those guardians of men in substance
- ' is the king pervaded, and he cannot by law be
- 'impure; fince by those tutelar gods are the
- ' purity and impurity of mortals both caused
- ' and removed.
- 98. 'By a foldier, discharging the duties of
- ' his class, and slain in the field with brandished
- 'weapons, the highest facrifice is, in that in-
- 'ftant, complete; and so is his purification: this
- ' law is fixed.
- 99. A prieft, having performed funeral rites,
- 'is purified by touching water; a foldier, by
- ' touching his horse or elephant, or his arms; a
- 'husbandman, by touching his goad, or the
- ' halter of his cattle; a fervant, by touching his
- · staff.
- 100. 'This mode of purifying fapindas, O
- ' chief of the twiceborn, has been fully declared
- 'to you! learn now the purification required
- on the death of kinfmen less intimately con-
- · nected.
- 101. ' A Bráhmen, having carried out a dead
- ' Bráhmen, though not a sapinda, with the affec-
- ' tion of a kinfman, or any of those nearly re-
- ' lated to him by his mother, becomes pure in
- 'three days;
- 102. But, if he tafte the food offered by
- their sapindas, he is purified in ten days; and

in one day, if he neither partake of their food, nor dwell in the same house.

... 103. 'If he voluntarily follow a corpfe, whe-

ther of a paternal kinfman or of another, and

'afterwards bathe with his apparel, he is made

'pure by touching fire and tasting clarified

104. 'Let no kinsman, whilst any of his own

class are at hand, cause a deceased Brábmen to

be carried out by a Súdra; fince the funeral

rite, polluted by the touch of a fervile man, ob-

· structs his passage to heaven.

105. 'Sacred learning, austere devotion, fire,

' holy aliment, earth, the mind, water, fmearing

with cowdung, air, prescribed acts of religion

the fun, and time, are purifiers of imbodied

fpirits;
106. But of all pure things, purity in ac-

quiring wealth, is pronounced the most ex-

cellent: fince he, who gains wealth with clean

hands, is truly pure; not he, who is purified

merely with earth and water.

107. By forgiveness of injuries, the learned

are purified; by liberality, those who have ne-

e glected their duty; by pious meditation, those

' who have fecret faults; by devout aufterity,

those who best know the Veda.

108. 'By water and earth is purified what

- ought to be made pure; a river, by its current;
- 'a woman, whose thoughts have been impure,
- by her monthly discharge; and the chief of
- ' twiceborn men, by fixing his mind wholly on
- GoD.
 - 109. 'Bodies are cleanfed by water; the mind
- ' is purified by truth; the vital spirit, by theology
- ' and devotion; the understanding, by clear
- 'knowledge.
 - 110. 'Thus have you heard me declare the
- ' precise rules for purifying animal bodies:
- ' hear now the modes of restoring purity to va-
- ' rious inanimate things.
 - 111. 'Of brilliant metals, of gems, and of
- ' every thing made with stone, the purification,
- ' ordained by the wife, is with ashes, water, and
- earth.
- 112. 'A golden vessel, not smeared, is cleansed
- ' with water only; and every thing produced in
- water, as coral, shells, or pearls, and every stony
- ' fubstance, and a filver vessel not enchased.
- 113. 'From a junction of water and fire arose
- 'gold and filver; and they two, therefore, are
- best purified by the elements, whence they
- ' fprang.
 - 114. 'Vessels of copper, iron, brass, pewter,
- ' tin, and lead, may be fitly cleanfed with ashes,
- ' with acids, or with water.
 - 115. 'The purification ordained for all forts

of liquids, is by stirring them with cus'a-grass;

for cloths folded, by fprinkling them with hal-

· lowed water; for wooden utenfils, by planing

them:

116. 'For the facrificial pots to hold clarified

butter and juice of the moonplant, by rubbing

' them with the hand, and washing them, at the

time of the facrifice:

117. 'Implements to wash the rice, to contain the oblations, to cast them into the fire, to

collect, winnow, and prepare the grain, must be

purified with water made hot.

118. 'The purification by sprinkling is or-

' dained for grain and cloths in large quantities;

but, to purify them in small parcels, which a

s man may easily carry, they must be washed.

119. ' Leathern utenfils, and fuch as are made

with cane, must generally be purified in the

fame manner with cloths; green vegetables,

roots, and fruit, in the fame manner with grain;

120. Silk and woollen stuff, with saline

earths; blankets from Népála, with pounded

' arishtas, or nimba fruit; vests and long drawers,

with the fruit of the Bilva; mantles of cfbumá,

with white mustardseeds.

121. 'Utenfils made of shells or of horn, of

bones or of ivory, must be cleansed by him,

who knows the law, as mantles of cshumá are

' purified, with the addition of cow's urine or of water.

122. Grass, firewood, and straw, are purished by sprinkling them with water; a house, by rubbing, brushing, and smearing with cow-

dung; an earthen pot, by a fecond burning:

123. 'But an earthen pot, which has been touched with any spirituous liquor, with urine, with ordure, with spittle, with pus, or with blood, cannot, even by another burning, be

rendered pure.

'fweeping, by fmearing with cowdung, by fprinkling with cows' urine, by fcraping, or by letting a cow pass a day and a night on it.

125. 'A thing nibbled by a bird, fmelt at by a cow, shaken with a foot, sneezed on, or defiled by lice, is purified by earth scattered over it.

'by any impurity, remain on the thing foiled,
'fo long must earth and water be repeatedly used

' in all purifications of things inanimate.

127. 'The Gods declared three pure things 'peculiar to Bráhmens; what has been defiled 'without their knowledge, what, in cases of 'doubt, they sprinkle with water; and what they 'commend with their speech.

128. 'Waters are pure, as far as a cow

goes to quench her thirst in them, if they flow over clean earth, and are sullied by no impurity, but have a good scent, colour, and taste.

129. 'The hand of an artist employed in his

art is always pure; fo is every vendible com-

modity, when exposed to fale; and that food is

always clean, which a student in theology has

begged and received: fuch is the facred rule.

130. The mouth of a woman is constantly pure; a bird is pure on the fall of fruit, which

the has pecked; a sucking animal, on the flow-

ing of the milk; a dog, on his catching the

deer:

131. 'The flesh of a wild beast slain by dogs,

MENU pronounces pure; and that of an ani-

• mal flain by other carnivorous creatures, or by

e men of the mixed class, who subsist by hunt-

'ing.

132. 'All the cavities above the navel are pure,

and all below it, unclean; fo are all excretions,

that fall from the body.

133. Gnats, clear drops from the mouth of a speaker, a shadow, a cow, a horse, sunbeams,

dust, earth, air, and fire, must all be considered

'as clean, even when they touch an unclean 'thing.

134. 'For the cleanfing of vessels, which have

' held ordure or urine, earth and water must be

'used, as long as they are needful; and the fame for cleanfing the twelve corporeal impu'rities:

135. 'Oily exudations, feminal fluids, blood, 'dandruff, urine, feces, earwax, nailparings, 'phlegm, tears, concretions on the eyes, and 'fweat, are the twelve impurities of the human 'frame.

136. 'By the man, who defires purity, one 'piece of earth together with water must be used 'for the conduit of urine, three, for that of the 'feces; so, ten for one hand, that is, the left; 'then seven for both: but, if necessary, more must be used.

137. 'Such is the purification of married men; 'that of students must be double; that of her'mits, triple; that of men wholly recluse, qua'druple.

138. 'Let each man fprinkle the cavities of 'his body, and taste water in due form, when 'he has discharged urine or feces; when he is 'going to read the Véda; and, invariably, before 'he takes his food:

139. 'First, let him thrice taste water; then twice let him wipe his mouth, if he be of a twiceborn class, and desire corporeal purity; but a woman or servile man may once respectively make that ablution.

140. Súdras, engaged in religious duties, · must perform each month the ceremony of

' shaving their heads; their food must be the

orts of Brahmens; and their mode of purifica-

tion, the same with that of a Vaifya.

141. Such drops of water, as fall from the mouth on any part of the body, render it not

unclean; nor hairs of the beard, that enter the

' mouth; nor what adheres awhile to the teeth.

142. Drops, which trickle on the feet of a

man holding water for others, are held equal to

waters flowing over pure earth: by them he is

onot defiled.

143. 'He, who carries in any manner an inanimate burden, and is touched by any thing

impure, is cleanfed by making an ablution,

without laying his burden down.

144. 'Having vomited or been purged, let

him bathe and tafte clarified butter, but, if he

' have eaten already, let him only perform an

'ablution: for him, who has been connected

' with a woman, bathing is ordained by law.

145. ' Having flumbered, having fneezed, having eaten, having spitten, having told un-

' truths, having drunk water, and going to read

' facred books, let him, though pure, wash his

mouth.

146. 'This perfect fystem of rules for puri-

- ' fying men of all classes, and for cleansing inani-
- ' mate things, has been declared to you: hear
- ' now the laws concerning women.
- 147. 'By a girl, or by a young woman, or
- by a woman advanced in years, nothing must
- ' be done, even in her own dwelling place, ac-
- ' cording to her mere pleasure:
- 148. 'In childhood must a semale be de-
- ' pendent on her father; in youth, on her huf-
- ' band; her lord being dead, on her fons; if she
- bave no fons, on the near kinsmen of her bus-
- ' band; if he left no kinsmen, on those of her
- father; if she have no paternal kinsmen, on the
- ' fovereign: a woman must never seek inde-
- ' pendence.
 - 149. 'Never let her wish to separate herself
- ' from her father, her hufband, or her fons; for,
- by a separation from them, she exposes both
- families to contempt.
- 150. She must always live with a cheerful
- ' temper, with good management in the aff.irs
- of the house, with great care of the household
- furniture, and with a frugal hand in all her ex-
- e pences.
 - 151. 'Him, to whom her father has given
- ' her, or her brother with the paternal affent, let
- 'her obsequiously honour, while he lives; and,
- ' when he dies, let her never neglect him.

152. The recitation of holy texts, and the facrifice ordained by the lord of creatures,

are used in marriages for the sake of pro-

curing good fortune to brides; but the first

gift, or troth plighted, by the husband is

the primary cause and origin of marital do-

" minion.

153. When the husband has performed the nuptial rites with texts of the Vėda, he gives

blifs continually to his wife here below, both

in feafon and out of feafon; and he will give

her happiness in the next world.

154. 'Though inobservant of approved

fufages, or enamoured of another woman, or

devoid of good qualities, yet a hufband must

constantly be revered as a god by a virtuous

wife.

155. 'No facrifice is allowed to women apart

from their husbands, no religious rite, no fast-

ing: as far only as a wife honours her lord, fo

• far the is exalted in heaven.

156. 'A faithful wife, who wishes to attain

in heaven the mansion of her husband, must

do nothing unkind to him, be he living or

dead:

157. Let her emaciate her body, by liv-

ing voluntarily on pure flowers, roots, and

fruit; but let her not, when her lord is de-

ceased, even pronounce the name of another man.

158. Let her continue till death forgiving all injuries, performing harsh duties, avoiding

' every fenfual pleasure, and cheerfully practifing

'the incomparable rules of virtue, which have

been followed by fuch women, as were devoted

' to one only husband.

159. 'Many thousands of Bráhmens, having avoided sensuality from their early youth, and having left no issue in their families, have as-

' cended, nevertheless, to heaven;

160. 'And, like those abstemious men, a virtuous wife ascends to heaven, though she have

on child, if, after the decease of her lord, she

' devote herfelf to pious austerity:

161. 'But a widow, who, from a wish to

' bear children, flights her deceased husband by

' marrying again, brings difgrace on herfelf here

' below, and shall be excluded from the seat of

her lord.

162. 'Issue, begotten on a woman by any.

other than her husband, is here declared to be

' no progeny of hers; no more than a child, be-

gotten on the wife of another man, belongs to

' the begetter: nor is a fecond hufband allowed,

in any part of this code, to a virtuous woman.

163. She, who neglects her former (piava)

· lord, though of a lower class, and takes another

(para) of a higher, becomes despicable in this

world, and is called parapurva, or one who had

· a different busband before.

164. 'A married woman, who violates the

duty, which she owes to her lord, brings in-

famy on herself in this life, and, in the next,

fhall enter the womb of a shakal, or be af-

'flicted with elephantiasis, and other diseases

· which punish crimes;

165. While she, who slights not her lord,

but keeps her mind, fpeech, and body, devoted

to him, attains his heavenly mansion, and by

good men is called fadhvi, or virtuous.

166. 'Yes; by this course of life it is, that a

woman, whose mind, speech, and body are

kept in subjection, acquires high renown in

this world, and, in the next, the same abode

with her husband.

167. A twiceborn man, versed in sacred or-

dinances, must burn, with hallowed fire and fit

· implements of facrifice, his wife dying before

him, if she was of his own class, and lived by

thefe rules:

168. 'Having thus kindled facred fires, and

' performed funeral rites to his wife, who died

before him, he may again marry, and again

' light the nuptial fire.

169. 'Let him not cease to perform day by

- day according to the preceding rules, the five
- great facraments; and, having taken a lawful
- confort, let him dwell in his house during the
- ' fecond period of his life.

CHAPTER THE SIXTH.

On Devotion; or on the Third and Fourth Orders.

- 1. 'HAVING thus remained in the order
- of a housekeeper, as the law ordains, let the
- twiceborn man, who had before completed his
- ' studentship, dwell in a forest, his faith being
- firm and his organs wholly fubdued.
 - 2. When the father of a family perceives
- his muscles become flaccid and his hair gray,
- and fees the child of his child, let him then
- · feek refuge in a forest:
 - 3. 'Abandoning all food eaten in towns, and
- ' all his household utenfils, let him repair to the
- · lonely wood, committing the care of his wife
- to her sons, or accompanied by her, if she chuse
- to attend bim.
 - 4. Let him take up his confecrated fire, and
- 'all his domestick implements of making obla-
- ' tions to it, and, departing from the town to
- the forest, let him dwell in it with complete
- · power over his organs of sense and of action.

- 5. 'With many forts of pure food, fuch as
- holy fages used to eat, with green herbs, roots,
- ' and fruit, let him perform the five great facra-
- · ments before mentioned, introducing them with
- due ceremonies.
 - 6. 'Let him wear a black antelope's hide, or
- 'a vesture of bark; let him bathe evening and
- ' morning; let him fuffer the hairs of his head,
- ' his beard, and his nails to grow continually.
 - 7. 'From fuch food, as himself may eat, let
- ' him, to the utmost of his power, make offer-
- 'ings and give alms; and with presents of
- water, roots, and fruit, let him honour those,
- who visit his hermitage.
 - 8. 'Let him be constantly engaged in reading
- ' the Veda; patient of all extremities, univer-
- ' fally benevolent, with a mind intent on the
- Supreme Being; a perpetual giver, but no re-
- ceiver of gifts; with tender affection for all
- 'animated bodies.
- q. 'Let him, as the law directs, make obla-
- ' tions on the hearth with three facred fires; not
- omitting in due time the ceremonies to be
- ' performed at the conjunction and opposition of
- ' the moon.
- 10. Let him also perform the sacrifice or-
- 'dained in honour of the lunar constellations,
- make the prescribed offering of new grain, and

folemnize holy rites every four months, and at the winter and fummer folftices.

II. 'With pure grains, the food of ancient

fages, growing in the vernal and autumnal feafons, and brought home by himfelf, let him fe-

verally make, as the law ordains, the oblations

of cakes and boiled grain;

12. And, having presented to the gods that purest oblation, which the wild woods pro-

'duced, let him eat what remains, together

with some native falt, which himself collected.

13. 'Let him eat green herbs, flowers, 'roots, and fruit, that grow on earth or in

water, and the productions of pure trees, and

oils formed in fruits.

14. 'Honey and fleshmeat he must avoid, and all forts of mushrooms, the plant bhustrina, that named sighruca, and the fruit of the sless.'

15. 'In the month Afwina let him caft 'away the food of fages, which he before had

' laid up, and his vesture, then become old, and

' his herbs, roots, and fruit.

16. Let him not eat the produce of ploughed

' land, though abandoned by any man, who owns

'it, nor fruit and roots produced in a town,

even though hunger oppress him.

17. 'He may eat what is mellowed by fire,

- and he may eat what is ripened by time: and
- ' either let him break hard fruits with a stone, or
- ' let his teeth serve as a pestle.
 - 18. 'Either let him pluck enough for a day,
- or let him gather enough for a month; or let
- ' him collect enough for fix months, or lay up
- ' enough for a year.
 - 19. 'Having procured food, as he is able, he
- ' may eat it at eve or in the morning; or he
- ' may take only every fourth, or every eighth,
- ' fuch regular meal;
- 20. 'Or, by the rules of the lunar penance, he
- ' may eat a mouthful less each day of the bright,
- ' and a mouthful more each day of the dark, fort-
- ' night; or he may eat only once, at the close of
- ' each fortnight, a mess of boiled grains:
- 21. 'Or he may conflantly live on flowers
- ' and roots, and on fruit matured by time, which
- ' has fallen spontaneously, strictly observing the
- ' laws ordained for hermits.
 - 22. 'Let him flide backwards and forwards on
- ' the ground; or let him stand a whole day on tip-
- ' toe; or let him continue in motion rifing and
- ' fitting alternately; but at funrife, at noon, and
- ' at funfet, let him go to the waters and bathe.
 - 23. ' In the hot feafon, let him fit exposed to
- ' five fires, four blazing around him with the fun
- ' above; in the rains, let him stand uncovered,
- ' without even a mantle, where the clouds pour

- the beaviest showers; in the cold season, let
- ' him wear humid vesture; and let him increase
- by degrees the austerity of his devotion:
 - 24. ' Performing his ablution at the three
- ' Savanas, let him give fatisfaction to the manes
- ' and to the gods; and, enduring harsher and
- ' harsher mortifications, let him dry up his bodily
- frame.
 - 25. 'Then, having reposited his holy fires, as
- the law directs, in his mind, let him live with-
- out external fire, without a mansion, wholly
- ' filent, feeding on roots and fruit;
 - 26. Not folicitous for the means of gratifi-
- cation, chafte as a student, sleeping on the
- bare earth, in the haunts of pious hermits,
- without one selfish affection, dwelling at the
- ' roots of trees.
 - 27. 'From devout Bráhmens let him receive
- 'alms to support life, or from other house-
- · keepers of twiceborn classes, who dwell in the
- · forest:
- 28. Or the hermit may bring food from a
- town, having received it in a basket of leaves,
- 'in his naked hand, or in a potsherd; and then
- 'let him fwallow eight mouthfuls.
 - 29. 'These and other rules must a Brabmen,
- ' who retires to the woods, diligently practife;
- and, for the purpose of uniting his foul with
- the divine spirit, let him study the various upa-

- 'nishads of scripture, or chapters on the effence and attributes of God,
 - 30. 'Which have been studied with reverence
- by anchorites verfed in theology, and by houfe-
- ' keepers, who dwelt afterwards in forests, for
- ' the fake of increasing their sublime knowledge
- ' and devotion, and for the purification of their
- ' bodies.
- 31. 'Or, if be has any incurable difeafe, let -
- ' him advance in a straight path, towards the in-
- ' vincible north eastern point, feeding on water
- ' and air, till his mortal frame totally decay,
- and his foul become united with the Su-
- 32. 'A Bråbmen, having shuffled off his
- body by any of those modes, which great
- ' fages practifed, and becoming void of for-
- 'row and fear, rifes to exaltation in the divine
- effence.
 - 33. 'HAVING thus performed religious acts
- in a forest during the third portion of his life,
- 'let him become a Sannyási for the fourth por-
- ' tion of it, abandoning all fenfual affections, and
- wholly reposing in the Supreme Spirit:
 - 34. 'The man, who has passed from order
- ' to order, has made oblations to fire on bis re-
- ' Spective changes of state, and has kept his mem-
- bers in subjection, but, tired with fo long a course

of giving alms and making offerings, thus reposes himself entirely on God, shall be raised

' after death to glory.

35. 'When he has paid his three debts to the fages, the manes, and the gods, let him apply

his mind to final beatitude; but low shall He

fall, who prefumes to feek beatitude, without

' having discharged those debts:

36. 'After he has read the Vedas in the form

' prescribed by law, has legally begotten a son,

and has performed facrifices to the best of his

' power, he has paid his three debts, and may then

'apply his heart to eternal blifs;

37. 'But if a Bráhmen have not read the

· Véda, if he have not begotten a son, and if he

have not performed facrifices, yet shall aim at

'final beatitude, he shall fink to a place of de-

' gradation.

38. 'Having performed the sacrifice of PRA-

'JA'PETI, accompanied with a gift of all his

wealth, and having reposited in his mind the sa-

crificial fires, a Brahmen may proceed from his

house, that is, from the second order, or he may

· proceed even from the first, to the condition of

a Sannyási.

39. 'Higher worlds are illuminated with the glory of that man, who passes from his house

into the fourth order, giving exemption from

- ' fear to all animated beings, and pronouncing the 'mystick words of the Véda:
 - 40. 'To the Bráhmen, by whom not even
- · the smallest dread has been occasioned to sen-
- ' tient creatures, there can be no dread from any
- quarter whatever, when he obtains a releafe
- ' from his mortal body.
 - 41. 'Departing from his house, taking with
- ' him pure implements, his waterpot and staff,
- ' keeping filence, unallured by defire of the ob-
- ' jects near him, let him enter into the fourth
- order.
- 42. 'Alone let him constantly dwell, for the
- ' fake of his own felicity: observing the happi-
- 'ness of a solitary man, who neither forsakes
- ' nor is forfaken, let him live without a compa-
- 'nion.
- 43. 'Let him have no culinary fire, no domi-
- 'cil; let him, when very hungry, go to the town
- ' for food; let him patiently bear difeafe; let
- 'his mind be firm; let him fludy to know
- ' God, and fix his attention on God alone.
- 44. 'An earthen waterpot, the roots of large
- ' trees, coarse vesture, total solitude, equanimity
- 'toward all creatures, these are the character-
- ' isticks of a Brábmen set free.
- 45. Let him not wish for death; let him not
- wish for life; let him expect his appointed
- ' time, as a hired fervant expects his wages.

46. Let him advance his foot purified by

· looking down, left be touch any thing impure;

· let him drink water purified by straining with

a cloth, left be burt some insect; let him, if be

chuse to speak, atter words purified by truth;

· let him by all means keep his heart purified.

47. Let him bear a reproachful speech with

patience; let him speak reproachfully to no

man; let him not, on account of this frail and

* feverish body, engage in hostility with any one biving.

48. 'With an angry man let him not in his

turn be angry; abused, let him speak mildly;

onor let him utter a word relating to vain illu-

fory things and confined within feven gates,

the five organs of fense, the beart, and the intel-

· lest; or this world, with three above and three

· below it.

49. ' Delighted with meditating on the Su-

preme Spirit, fitting fixed in fuch meditation,

· without needing any thing earthly, without one

' fenfual defire, without any companion but his

own foul, let him live in this world feeking the

blifs of the next.

50. 'Neither by explaining omens and pro-

digies, nor by skill in astrology and palm-

'estry, nor by casuistry and expositions of

' holy texts, let him at any time gain his daily

' support.

51. 'Let him not go near a house frequented by hermits, or priests, or birds, or dogs, or other beggars.

52. 'His hair, nails, and beard being clipped,

bearing with him a dish, a staff, and a water-

' pot, his whole mind being fixed on God, let

' him wander about continually, without giving

' pain to animal or vegetable beings.

53. 'His dishes must have no fracture, nor

must they be made of bright metals: the puri-

' fication ordained for them must be with water

' alone, like that of the vessels for a sacrifice.

54. 'A gourd, a wooden bowl, an earthen

' dish, or a basket made of reeds, has MENU, son

of the Self-exifting, declared fit veffels to re-

ceive the food of Bráhmens devoted to God.

55. 'Only once a day let him demand food;

'let him not habituate him to cat much at a

' time; for an anchorite, habituated to eat much,

becomes inclined to fenfual gratifications.

56. 'At the time when the smoke of kitchen

' fires has ceased, when the pestle lies motion-

' lefs, when the burning charcoal is extinguished,

when people have caten and when dishes are

removed, that is, late in the day, let the San-

· nyási always beg food.

57. 'For missing it, let him not be forrowful;

' nor for gaining it, let him be glad; let him

- care only for a fufficiency to support life, but
- · let him not be anxious about his utenfils.
 - 58. 'Let him constantly disdain to receive food
- · after humble reverence; fince, by receiving it
- in confequence of an humble falutation, a San-
- · nyási, though free, becomes a captive.
 - 59. 'By eating little and by fitting in fo-
- · litary places, let him reftrain those organs,
- which are naturally hurried away by fenfual
- · defires.
 - 60. 'By the coercion of his members, by the
- absence of hate and affection, and by giving no
- ' pain to fentient creatures, he becomes fit for
- · immortality.
 - 61. Let him reflect on the transmigrations
- of men caused by their finful deeds, on their
- 'downfal into a region of darkness, and their
- torments in the mansion of YAMA;
 - 62. On their feparation from those, whom
- * they love, and their union with those, whom
- they hate, on their strength overpowered
- by old age, and their bodies racked with
- difeafe;
 - 63. 'On their agonizing departure from this
- 'corporeal frame, their formation again in the
- 'womb, and the glidings of this vital spirit
- through ten thousand millions of uterine
- ' paffages;

- 64. 'On the mifery attached to embodied fpi-
- 'rits from a violation of their duties, and the
- ' unperishable bliss attached to them from their
- 'abundant performance of all duties, religious and civil.
- 65. 'Let him reflect also, with exclusive appli-
- cation of mind, on the fubtil indivifable effence
- of the supreme spirit, and its complete exist-
- ' ence in all beings, whether extremely high or
- ' extremely low.
 - 66. 'Equalminded towards all creatures, in what
- ' order soever he may have been placed, let him
- ' fully discharge his duty, though he bear not
- 'the visible marks of his order: the visible mark,
- for mere name, of his order is by no means an
- ' effective discharge of his duty;
 - 67. 'As, although the fruit of the tree cataca
- ' purify water, yet a man cannot purify water
- by merely pronouncing the name of that
- fruit: he must throw it, when pounded, into the jar.
 - 68. 'For the fake of preserving minute ani-
- ' mals by night and by day, let him walk, though
- ' with pain to his own body, perpetually looking
- on the ground.
 - 69. 'Let a Sannyási, by way of expiation for
- ' the death of those creatures, which he may have
- destroyed unknowingly by day or by night,

- · make fix suppressions of his breath, having duly
- bathed:
 - 70. 'Even three suppressions of breath made
- according to the divine rule, accompanied with
- the triverbal phrase (bhurbhuvah swah) and the
- ' triliteral fyllable (dm), may be confidered as the
- ' highest devotion of a Brahmen.
 - 71. 'For as the dross and impurities of me-
- 'tallick ores are confumed by fire, thus are the
- finful acts of the human organs confumed by
- fuppressions of the breath, while the mystick
- words, and the measures of the gayatri are re-
- " volved in the mind.
 - 72. Let him thus by fuch suppressions of
- breath burn away his offences; by reflecting
- ' intensely on the steps of ascent to beatitude, let
- · him destroy sin; by coercing his members, let
- ' him restrain all sensual attachments; by medi-
- tating on the intimate union of his own foul and the
- divine effence, let him extinguish all qualities
- repugnant to the nature of God.
- 73. Let him observe, with extreme applica-
- · tion of mind, the progress of this internal spirit
- ' through various bodies, high and low; a pro-
- ' gress hard to be discerned by men with unim-
- ' proved intellects...
 - 74. 'He, who fully understands the perpetual
- ' omnipresence of God, can be led no more cap-

- ' tive by criminal acts; but he, who possesses not
- that fublime knowledge, shall wander again
- " through the world.
 - 75. By injuring nothing animated, by sub-
- ' duing all fenfual appetites, by devout rites or-
- dained in the Véda, and by rigorous mortifica-
- ' tions, men obtain, even in this life, the state of
- beatitude.
 - 76. A mansion with bones for its rafters and
- beams; with nerves and tendons, for cords;
- with mufcles and blood, for mortar; with
- ' skin, for its outward covering; filled with no
- 'fweet perfume, but loaded with feces and
- ' urine;
- 77. ' A mansion infested by age and by for-
- 'row, the feat of malady, haraffed with pains,
- ' haunted with the quality of darkness, and in-
- ' capable of standing long; such a mansion of the
- 'vital foul let its occupier always cheerfully
- ' quit:
 - 78. 'As a tree leaves the bank of a river,
- when it falls in, or as a bird leaves the branch
- of a tree at his pleasure, thus he, who leaves
- ' his body by necessity or by legal choice, is de-
- 'livered from the ravening shark, or crocodile,
- of the world.
 - 79. Letting his good acts descend (by the
- law of the Vėda) to those, who love him, and

' his evil deeds, to those, who hate him, he may

attain, through devout meditation, the eternal

fpirit.

80. 'When, having well confidered the nature and confequence of fin, he becomes averse

from all fenfual delights, he then attains blifs

in this world; blifs, which shall endure after

death.

81. 'Thus, having gradually abandoned all earthly attachments, and indifferent to all pairs

of opposite things, as bonour and dishonour, and

· the like, he remains absorbed in the divine es-

· fence.

82. 'All, that has now been declared, is ob-

tained by pious meditation; but no man, who

is ignorant of the supreme spirit, can gather

the fruit of mere ceremonial acts.

83. Let him constantly study that part of the

· Vėda, which relates to facrifice; that, which

* treats of subordinate deities; that, which re-

veals the nature of the supreme GoD; and

· whatever is declared in the Upanishads.

84. 'This holy scripture is a sure refuge even

for those, who understand not its meaning,

and of course for those, who understand it; this

c Vėda is a sure ressource for those, who seek bliss

above, this is a sure ressource for those, who

' feek blis eternal.

85. 'That Brábmen, who becomes a Sannyási by this discipline, announced in due order, 'shakes off sin here below, and reaches the most high.

86. 'This general law has been revealed to you for anchorites with subdued minds: 'now learn the particular discipline of those, 'who become recluses according to the Veda, 'that is, of anchorites in the first of the four degrees.

87. 'The student, the married man, the 'hermit, and the anchorite, are the offspring, 'though in four orders, of married men keeping 'house;

88. 'And all, or even any, of those orders, assumed in their turn, according to the
facred ordinances, lead the *Brdhmen*, who
acts by the preceding rules, to the highest
mansion:

89. 'But of all those, the housekeeper, ob-'ferving the regulations of the Sruti and Smriti, 'may be called the chief; since he supports the 'three other orders.

90. 'As all rivers, female and male, run to their determined place in the fea, thus men of all other orders repair to their fixed place in the mansion of the housekeeper.

91. 'By Bráhmens, placed in these four or-

ders, a tenfold system of duties must ever be

· fedulously practifed:

92: Content, returning good for evil, refistance to sensual appetites, abstinence from

illicit gain, purification, coercion of the organs,

knowledge of scripture, knowledge of the su-

' preme spirit, veracity, and freedom from wrath,

form their tenfold system of duties.

93. Such Brabmens, as attentively read the ten precepts of duty, and after reading, care-

fully practife them, attain the most exalted

¿ condition.

94. A Brahmen, having practifed, with organs under command, this tenfold system of

duty, having heard the Upanishads explained,

as the law directs, and who has discharged his

three debts, may become an anchorite, in the

boufe of his fon, according to the Veda;

95. And, having abandoned all ceremonial acts, having expiated all his offences, having

acts, naving explained all his organs, and hav-

ing perfectly understood the scripture, he may

· live at his ease, while the household affairs are

conducted by his fon.

96. When he thus has relinquished all forms,

is intent on his own occupation, and free from every other defire, when, by devoting himfelf

to God, he has effaced fin, he then attains the

· fupreme path of glory.

97. 'This fourfold regulation for the facerdotal class, has thus been made known to you; a just regulation, producing endless fruit

after death: next, learn the duty of kings, or

" the military class,"

CHAPTER THE SEVENTH.

On Government, and Publick Law; or on the Military Class.

1. 'I WILL fully declare the duty of kings; and

flow how a ruler of men should conduct him-

felf, in what manner he was framed, and how

' his ultimate reward may be attained by him.

2. 'By a man of the military class, who has received in due form the investiture, which the

· Vėda prescribes, great care must be used to

' maintain the whole assemblage of laws.

3. 'Since, if the world had no king, it would 'quake on all fides through fear, the ruler of this

universe, therefore, created a king, for the main-

tenance of this fystem, both religious and civil,

4. Forming him of eternal particles drawn

' from the substance of INDRA, PAVANA, YA-

MA, SURYA, of AGNI and VARUNA, of

'CHANDRA and Cuve'RA:

5. And fince a king was composed of par-

' ticles drawn from those chief guardian deities,

. he consequently surpasses all mortals in glory.

- 6. Like the fun, he burns eyes and hearts; nor can any human creature on earth even gaze on him.
- 7. 'He is fire and air; he, both fun and moon; 'he, the god of criminal justice; he, the genius of wealth; he, the regent of waters; he, the 'lord of the firmament.
- 8. 'A king, even though a child, must not be treated lightly, from an idea that he is a powerful divinity; 'who appears in a human shape.
- goes too near it; but the fire of a king in wrath burns a whole family, with all their cattle and goods.
- 'him, his own force, and the place, and the time; he affumes in fuccession all forts of forms, for the sake of advancing justice.
- ' He, sure, must be the perfect essence of majesty, by whose favour Abundance rises on her lotos, in whose valour dwells conquest; in whose anger, death.
- 12. 'He, who shows hatred of the king; 'through delusion of mind, will certainly perish; 'for speedily will the king apply his heart to 'that man's perdition.
- 13. LET the king prepare a just compensa-

bid the rule of strict justice let him never

transgress.

14. 'For his use BRAHMA' formed in the beginning of time the genius of punishment, with a body of pure light, his own son, even abstract

eriminal justice, the protector of all created

things:

15. Through fear of that genius all sentient beings, whether fixed or locomotive, are fitted to natural enjoyments and swerve not from

duty. When the king, therefore, has fully con-

idered place and time, and his own strength,

and the divine ordinance, let him justly inslict punishment on all those, who act unjustly.

Punishment is an active ruler; he is the true manager of publick affairs; he is the different of laws; and wife men call him the pointer of all the four orders for the discharge

of their feveral duties.

18. Punishment governs all mankind; puinflament alone preserves them; punishment wakes, while their guards are asseep; the wise consider punishment as the perfection of justice.

19. When rightly and confiderately inflicted, it makes all the people happy; but, inflicted

without full confideration, it wholly destroys

them all.

to. ! If the king were not, without indolence,

- to punish the guilty, the stronger would roast
- the weaker, like fish, on a spit; (or, according
- ' to one reading, the stronger would oppress the
- weaker, like fish in their element;)
- 2:. 'The crow would peck the confecrated
- offering of rice; the dog would lick the clarified
- butter; ownership would remain with none;
- ' the lowest would overset the highest.
 - 22. 'The whole race of men is kept in order
- ' by punishment; for a guiltless man is hard to
- be found: through fear of punishment, indeed,
- ' this universe is enabled to enjoy its bleffings;
 - 23. Deities and demons, heavenly fongsters
- ' and cruel giants, birds and ferpents, are made
- ' capable, by just correction, of their several en-
- 'joyments.
 - 24. 'All classes would become corrupt; all
- barriers would be destroyed, there would be
- total confusion among men, if punishment
- either were not inflicted, or were inflicted un-
- 'duly:
- 25. But where punishment, with a black
- ' hue and a red eye, advances to destroy sin,
- ' there, if the judge discern well, the people are
- ' undifturbed.
 - 26. 'Holy sages consider as a fit dispenser of
- 'criminal justice, that king, who invariably
- ' speaks truth, who duly considers all cases,
- who understands the facred books, who knows
- the distinctions of virtue, pleasure, and riches;

Such a king, if he justly inslict legal puinflaments, greatly increases those three means

of happiness; but punishment itself shall de-

ftroy a king, who is crafty, voluptuous, and

wrathful:

28. Criminal justice, the bright essence of majesty, and hard to be supported by men with unimproved minds, eradicates a king, who swerves from his duty, together with all his

trace:

his territories, his peopled land with all fixed and all moveable things, that exist on it: even the gods and the sages, who lose their oblations, will be afflicted and ascend to the sky.

30. 'Just punishment cannot be inflicted by an ignorant and covetous king, who has no wife and virtuous assistant, whose understanding has not been improved, and whose heart is addicted to sensuality:

31. 'By a king, wholly pure, faithful to his 'promise, observant of the scriptures, with good 'assistants and sound understanding, may pu-

' nishment be justly inslicted.

32. Let him in his own domains act with justice, chastise foreign foes with rigour, behave without duplicity to his affectionate friends, and with lenity to Brahmens.

33. Of a king thus disposed, even though he substit by gleaning, or, be his treasure ever

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fo small, the fame is far spread in the world, like a drop of oil in water;

34. 'But of a king with a contrary disposi-'tion, with passions unsubdued, be his riches ever

' so great, the fame is contracted in the world,

' like clarified butter in the same element.

35. 'A king was created as the protector of all those classes and orders, who, from the first

to the last, discharge their several duties;

36. 'And all, that must be done by him, for the protection of his people, with the affistance

of good ministers, I will declare to you, as the

· law directs, in due order.

37. LET the king, having rifen at early dawn, respectfully attend to Bráhmens, learned

in the three Vėdas, and in the science of ethicks;

' and by their decision let him abide.

38. 'Constantly must be show respect to

· Brahmens, who have grown old, both in years

' and in piety, who know the scriptures, who in

' body and mind are pure; for he, who honours

the aged, will perpetually be honoured even by

' cruel demons:

39. From them, though he may have ac-

quired modest behaviour by his own good fense

' and by study, let him continually learn habits

of modesty and composure; since a king, whose

demeanour is humble and composed, never

e perishes,

While, through want of such humble virtue, many kings have perished with all

their possessions, and, through virtue united

with modesty, even hermits have obtained

kingdoms.

41. 'Through want of that virtuous humi-

· lity VE'NA was utterly ruined, and so was the

' great king Nahusha, and Suda'sa, and Ya-

'VANA (or, by a different reading, and SUDA'SA,

the fon of Pivavana), and Sumac'ha, and

*NIMI;

42. But, by virtues with humble behaviour,

PRIT'HU and MENU acquired fovereignty;

CUVE'RA, wealth inexhaustible; and Vis-

"WA'MITRA, fon of GA'DHI, the rank of a priest,

* though born in the military class.

43. 'From those, who know the three Vedas,

· let him learn the triple doctrine comprised in

them, together with the primeval science of

criminal justice and found policy, the fystem of

* logickand metaphyficks, and sublime theological

truth: from the people he must learn the theory

' of agriculture, commerce, and other practical arts.

44. Day and night must he strenuously ex-

ert himself to gain complete victory over his

'own organs; fince that king alone, whose or-

4 gans are completely fubdued, can keep his peo-

f ple firm to their dety.

45. 'With extreme care let him shun eighteen

- vices, ten proceeding from love of pleasure,
- eight springing from wrath, and all ending in misery;
- 46. 'Since a king, addicted to vices arising
- from love of pleasure, must lose both his wealth
- and his virtue, and, addicted to vices arising
- ' from anger, he may lose even his life from the
- · publick resentment.
 - 47. 'Hunting, gaming, fleeping by day, cen-
- furing rivals, excess with women, intoxication,
- ' finging, inftrumental mulick, dancing, and use-
- · less travel, are the tenfold fet of vices produced
- · by love of pleasure:
 - 48. 'Talebearing, violence, infidious wound-
- ing, envy, detraction, unjust seizure of pro-
- ' perty, reviling, and open affault, are in like
- ' manner the eightfold set of vices, to which
- ' anger gives birth.
 - 49. ' A felfish inclination, which all wife men
- * know to be the root of those two sets, let him
- ' fuppress with diligence: both sets of vices are
- constantly produced by it.
 - 50. 'Drinking, dice, women, and hunting,
- * let him consider as the four most pernicious in
- the fet, which love of pleasure occasions:
- 51. 'Battery, defamation, and injury to pro-
- ' perty, let him always consider as the three most
- * heinous in the fet, which arises from wrath;

52. And in this fevenfold affemblage of vices, too frequently prevailing in all kingdoms, let an enlightened prince confider the first, and fo forth in order, as the most abominable in each set.

53. On a comparison between death and vice, the learned pronounce vice the more dreadful; since, after death, a vicious man sinks

to regions lower and lower, while a man, free

'from vice, reaches heaven.

54. The king must appoint seven or eight

'ministers, who must be sworn by touching a sa
'cred image and the like; men, whose ancestors

'were servants of kings; who are versed in the

'holy books; who are personally brave; who

' are skilled in the use of weapons; and whose

! lineage is noble. Tel months and min

55. 'Even an act easy in itself is hard sometimes to be performed by a single man, especially if he have no affishant near: how much harder must it be to perform alone the business of a kingdom with great revenues!

56. 'Let him perpetually consult with those

'ministers on peace and war, on his forces, on his revenues, on the protection of his people, and on the means of bestowing aptly the wealth, which he has acquired:

57. 'Having afcertained the feveral opinions

- of his counsellors, first apart and then collec-
- ' tively, let him do what is most beneficial for
- ' him in publick affairs. we was in
 - 58. : To one learned Bráhmen, distinguished
- ' among them all, let the king impart his mo-
- 'mentous counsel, relating to fix principal ar-
- 59. 'To him, with full confidence, let him
- ' intrust all transactions; and with him, having
- ' taken his final refolution, let him begin all his
- · measures.
 - 60. 'He must likewise appoint other officers;
- men of integrity, well informed, steady, habi-
- ' tuated to gain wealth by honourable means, and
- tried by experience.
- 61. 'As many officers as the due performance
- ' of his business requires, not slothful men, but
- ' active, able, and well instructed, so many and
- on more, let him appoint.
- 62. 'Among those let him employ the brave,
- ' the skilful, the well-born, andt he honest, in his
- ' mines of gold or gems, and in other similar
- 'works for amassing wealth; but the pusillani-
- ' mous, in the recesses of his palace.
- 63. 'Let him likewise appoint an ambassador'
- versed in all the Sástras, who understands
- 'hints, external figns, and actions, whose hand
- and heart are pure, whose abilities are great,
- and whose birth was illustrious;

- 64. That royal ambassador is applauded most, who is generally beloved, pure within
- and without, dextrous in bufiness, and endued
- with an excellent memory; who knows coun-
- * tries and times, is handsome, intrepid, and eloquent.
- 65. 'The forces of the realm must be imme-
- diately regulated by the commander in chief;
- the actual infliction of punishment, by the offi-
- cers of criminal justice; the treasury and the
- country, by the king himself; peace and war,
- by the ambassador;
 - 66. For it is the ambassador alone, who
- unites, who alone disjoins the united; that is,
- he transacts the business, by which kingdoms
- ' are at variance or in amity.
- 67. In the transaction of affairs let the am-
- baffador comprehend the visible figns and hints,
- and discover the acts, of the foreign king, by
- the figns, hints, and acts of his confidential fer-
- wants, and the measures, which that king wishes
- bo take, by the character and conduct of his mi-
- miffers.
- 68. 'Thus, having learned completely from bis
- ambaffador all the defigns of the foreign prince,
- · let the king to apply his vigilant care, that he
- · bring no evil on himself.
 - og. 'LET him fix his abode in a diffrict con-
- taining open champaigns; abounding with

- grain; inhabited chiefly by the virtuous; not
- 'infected with maladies; beautiful to the fight;
- ' furrounded by submissive mountaineers, foresters,
- or other neighbours; a country, in which the
- ' fubjects may live at eafe.
 - 70. 'There let him reside in a capital, hav-
- ing, by way of a fortress, a desert rather more
- ' than twenty miles round it, or a fortress of earth,
- 'a fortress of water, or of trees, a fortress of
- ' armed men, or a fortress of mountains.
 - 71. 'With all possible care let him secure a
- ' fortress of mountains; for, among those just
- ' mentioned, a fortress of mountains has many
- ' transcendent properties.
 - 72. In the three first of them live wild beasts,
- 'vermin, and aquatick animals; in the three
- ' last, apes, men, and gods, in order as they are
- ' named:
- 73. 'As enemies hurt them not in the shelter
- of their feveral abodes, thus foes hurt not a
- 'king, who has taken refuge in his durga, or
- ' place of difficult access.
- 74. 'One bowman, placed on a wall, is a match
- 'in war for a hundred enemies; and a hundred,
- for ten thousand; therefore is a fort recom-
- mended.
- 75. 'Let that fort be supplied with weapons,
- ' with money, with grain, with heafts, with

Brábmens, with artificers, with engines, with grafs, and with water.

76. In the centre of it let him raise his own

palace, well finished in all its parts, com-

'pletely defended, habitable in every feafon,

brilliant with white stucco, surrounded with

water and trees:

77. Having prepared it for his mansion, let him chuse a consort of the same class with him-

felf, endued with all the bodily marks of excel-

"lence, born of an exalted race, captivating his

heart, adorned with beauty and the best qua-

78. 'HE must appoint also a domestick priest, and retain a performer of facrifices, who may folemnize the religious rites of his family, and those performed with three facred fires.

79. 'Let the king make facrifices, accompainied with gifts of many different kinds; and, for the full discharge of his duty, let him give the *Brahmens* both legal enjoyments and moderate wealth.

1800 His annual revenue he may receive

from his whole dominion through his collec-

fors; but let him in this world observe the di-

'vine ordinances; let him act as a father to his people.

81. Here and there he must appoint many

- forts of intelligent supervisors, who may inspect all the acts of the officers engaged in his bufiness.
- 82. To Bráhmens returned from the manfions of their preceptors, let him show due respect; for that is called a precious unperishable gem, deposited by kings with the sacerdotal class:
- 83. 'It is a gem, which neither thieves or foes take away; which never perishes: kings must, therefore, deposit with Brábmens that indestructible jewel of respectful presents.
- 84. 'An oblation in the mouth, or hand, of a 'Bráhmen, is far better than offerings to holy fire: it never drops; it never dries; it is never confumed.
- 85. 'A gift to one hot a Brahmen produces 'fruit of a middle standard; to one, who calls 'himself a Brahmen, double; to a well read 'Brahmen, a hundred thousand fold; to one, 'who has read all the Védas, infinite.
- 86. 'Of a gift, made with faith in the Sástra, to a person highly deserving it, the giver shall indubitably gain the fruit after death, be the present small or great.
- 87. 'A KING, while he protects his people, being defied by an enemy of equal, greater, or less force, must by no means turn his face from you. y.

battle, but must remember the duty of his milistary class:

88. 'Never to recede from combat, to pro-

tect the people, and to honour the priests, is

' the highest duty of kings, and insures their fe-· licity.

89. 'Those rulers of the earth, who, desirous of defeating each other, exert their utmost frength in battle, without ever averting their

faces, afcend after death directly to heaven.

90. LET no man, engaged in combat, smite

his foe with sharp weapons concealed in wood,

'nor with arrows mischievously barbed, nor with

' poisoned arrows, nor with darts blazing with fire; 91. ' Nor let him in a car or on borfeback,

' strike his enemy alighted on the ground; nor

an effeminate man; nor one, who fues for life

with closed palms; nor one, whose hair is loofe

and obstructs his sight; nor one, who fits down

fatigued; nor one, who fays, "I am thy cap-'tive;"

92. Nor one, who seeps; nor one, who has

' loft his coat of mail; nor one, who is naked;

'nor one, who is difarmed; nor one, who is a

' spectator, but not a combatant; nor one, who

is fighting with another man:

93. 5 Calling to mind the duty of honourable " men, let him never flay one, who has broken

- his weapon; nor one, who is afflicted with pri-
- ' vate forrow; nor one, who has been grievously
- ' wounded; nor one, who is terrified; nor one,
- who turns his back.
- 94. 'The foldier, indeed, who, fearing and turning his back, happens to be flain by his
- ' foes in an engagement, shall take upon himself
- ' all the fin of his commander, whatever it be;
 - 95. 'And the commander shall take to him-
- ' felf the fruit of all the good conduct, which the
- ' foldier, who turns his back and is killed, had
- ' previously stored up for a future life.
 - 96. 'CARS, horses, elephants, umbrellas, ha-
- ' biliments, except the jewels which may adorn
- 'them, grain, cattle, women, all forts of li-
- ' quids and metals, except gold and filver, are
- ' the lawful prizes of the man who takes them
- 'in war;
- 97. 'But of those prizes the captors must lay
- ' the most valuable before the king: fuch is
- ' the rule in the Véda concerning them; and
- ' the king should distribute among the whole
- ' army what has not been separately taken.
- 98. 'Thus has been declared the blameless 'primeval law for military men: from this law
- 'a king must never depart, when he attacks his
- ' foes in battle.
- 99. 'What he has not gained from his foe, let
- ' him strive to gain; what he has acquired, let

' him preserve with care; what he preserves, let

him augment; and what he has augmented, let

' him bestow on the deserving.

100. 'This is the fourfold rule, which he must consider as the sure means of attaining

' the great object of man, happiness; and let him

' practife it fully without intermission, without

· indolence:

101. What he has not gained, let him strive

to gain by military ftrength; what he has ac-

quired, let him preserve by careful inspection; what he has preferved, let him augment by

' legal modes of increase; and what he has aug-

mented, let him dispense with just liberality.

102. Let his troops be constantly exercised;

his prowefs, constantly displayed; what he ought to fecure, constantly fecured; and the

weakness of his foe, constantly investigated.

103. 'By a king, whose forces are always

ready for action, the whole world may be kept in awe; let him then, by a force always ready,

make all creatures living his own.

104. Let him act on all occasions without

guile, and never with infincerity; but, keeping

' himself ever on his guard, let him discover the

fraud intended by his foe.

105. 'Let not his enemy discern his vulner-

' able part, but the vulnerable part of his enemy Let him well discern; like a tortoise, let him

- draw in his members under the shell of conceal-
- ment, and diligently let him repair any breach,
- ' that may be made in it.
 - 106. 'Like a heron, let him muse on gaining
- 'advantages; like a lion, let him put forth his
- ftrength; like a wolf, let him creep towards
- his prey; like a hare, let him double to fecure
- his retreat.
 - 107. 'When he thus has prepared himself for
- conquest, lethim reduce all opposers to submis-
- fion by negotiation and three other expedients,
- namely, presents, division, and force of arms:
 - 108. 'If they cannot be restrained by the
- ' three first methods, then let him, firmly but
- gradually, bring them to subjection by military
- force.
 - 109. 'Among those four modes of obtaining
- · fuccess, the wife prefer negotiation and war for
- ' the exaltation of kingdoms.
- 110. 'As a husbandman plucks up weeds and
- ' preserves his corn, thus let a king destroy his
- ' opponents and fecure his people.
 - 111. 'That king, who, through weakness of
- ' intellect, rashly oppresses his people, will, to-
- ' gether with his family, be deprived both of
- ' kingdom and life:
- 112. 'As, by the loss of bodily sustenance, the
- 'lives of animated beings are deflroyed, thus,"
- by the diffress of kingdoms, are deffroyed even
- the lives of kings.

113. For the fake of protecting his domi-

' nions, let the king perpetually observe the fol-

'lowing rules; for, by protecting his dominions,

he will increase his own happiness.

114. 'Let him place, as the protectors of

'his realm, a company of guards, commanded

by an approved officer, over two, three, five,

or a hundred districts, according to their extent.

115. Let him appoint a lord of one town

' with its district, a lord of ten towns, a lord of

twenty, a lord of a hundred, and a lord of a thousand.

116. 'Let the lord of one town certify of his

own accord to the lord of ten towns any robberies,

' tumults, or other evils, which arise in his dis-

' trict, and which he cannot suppress; and the

· lord of ten, to the lord of twenty:

117. 'Then let the lord of twenty towns no-

' tify them to the lord of a hundred; and let the

· lord of a hundred transmit the information

himself to the lord of a thousand townships.

118. 'Such food, drink, wood, and other ar-

'ticles, as by law should be given each day to

' the king by the inhabitants of the township,

let the lord of one town receive as his per-

· quisite:

119. Let the lord of ten towns enjoy the

' produce of two ploughlands, or as much ground

• as can be tilled with two ploughs, each drawn by fix bulls; the lord of twenty, that of five plough-

' lands; the lord of a hundred, that of a village

or small town; the lord of a thousand, that of

' a large town.

120. 'The affairs of those townships, either

' jointly or separately transacted, let another mi-

' nister of the king inspect; who should be well

'affected, and by no means remiss.

121. 'In every large town or city, let him

appoint one superintendent of all affairs, ele-

vated in rank, formidable in power, distin-

' guished as a planet among stars:

122. Let that governor from time to time

' furvey all the rest in person, and, by means of

his emissaries, let him perfectly know their con-

duct in their feveral districts.

123. Since the fervants of the king, whom

he has appointed guardians of districts, are ge-

nerally knaves, who feize what belongs to other

' men, from fuch knaves let him defend his

people:

124. 'Of such evilminded servants, as wring

wealth from subjects attending them on busi-

nefs, let the king confiscate all the possessions,

and banish them from his realm.

125. 'For women, employed in the fervice

of the king, and for his whole fet of menial

' fervants, let him daily provide a maintenance,

'in proportion to their station and to their

work:

· 126. One pana of copper must be given each day as wages to the lowest servant, with two

cloths for apparel every half year, and a drona

of grain every month; to the highest must be

given wages in the ratio of fix to one.

127. 'Having ascertained the rates of pur-

' chase and sale, the length of the way, the ex-

'pences of food and of condiments, the charges

of fecuring the goods carried, and the neat pro-

fits of trade, let the king oblige traders to pay

taxes on their saleable commodities:

128. After full confideration, let a king fo

e levy those taxes continually in his dominions,

' that both he and the merchant may receive a

' just compensation for their several acts.

129. As the leech, the fuckling calf, and

the bee, take their natural food by little and

· little, thus must a king draw from his domi-

nions an annual revenue.

130. Of cattle, of gems, of gold and filver, added each year to the capital stock, a fiftieth

part may be taken by the king; of grain, an

eighth part, a fixth, or a twelfth, according to

the difference of the foil, and the labour necessary.

to cultivate it.

131. 'He may also take a fixth part of the

clear annual increase of trees, fleshmeat, honey,

clarified butter, perfumes, medical substances,

'liquids, flowers, roots, and fruit,

132. Of gathered leaves, potherbs, grass, tutenfils made with leather or cane, earthen pots, and all things made of stone.

133. A king, even though dying with want, must not receive any tax from a Bráhmen. learned in the Védas, nor suffer such a Bráhmen, residing in his territories, to be afflicted with hunger:

134. 'Of that king, in whose dominion a, searned Bráhmen is afflicted with hunger, the whole kingdom will in a short time be afflicted with famine.

135. 'The king, having ascertained his knowledge of scripture and good morals, must allot
him a suitable maintenance, and protect him
on all sides, as a father protects his own son:
136. 'By that religious duty, which such a
Brábmen performs each day, under the full pro-

tection of the fovereign, the life, wealth, and dominions of his protector shall be greatly increased.

137. 'Let the king order a mere trifle to be.' paid, in the name of the annual tax, by the meaner inhabitants of his realm, who subsist by petty traffick:

138. 'By low handicraftsmen, artificers, and 'fervile men, who support themselves by labour, 'the king may cause work to be done for a day 'in each month.

139. Let him not cut up his own root by

' taking no revenue, nor the root of other men by

'excess of covetousness; for, by cutting up his

own root and theirs, he makes both himself and

them wretched.

140. 'Let him, considering the diversity of

' cases, be occasionally sharp and occasionally mild,

fince a king, duly sharp and mild, becomes

univerfally approved.

141. When tired of overlooking the affairs of men, let him affign the station of fuch an in-

' spector to a principal minister, who well knows

' his duty, who is eminently learned, whose paf-

fions are fubdued, and whose birth is exalted.

142. Thus must he protect his people, dif-

' charging, with great exertion and without lan-

'guor, all those duties, which the law requires

him to perform.

143. 'That monarch, whose subjects are car-

' ried from his kingdom by ruffians, while they

call aloud for protection, and he barely looks on

'them with his ministers, is a dead, and not a

'living, king.

144. 'The highest duty of a military man is

' the defence of his people, and the king, who

receives the confideration just mentioned, is

bound to discharge that duty.

145. 'HAVING rifen in the last watch of the

inight, his body being pure, and his mind atten-

- tive, having made oblations to fire, and shown
- due respect to the priests, let him enter his hall
- ' decently fplendid:
- 146. 'Standing there, let him gratify his fub-
- 'jects, before he difmiss them, with kind looks
- ' and words; and, having difmissed them all, let
- ' him take fecret council with his principal mi-
- 'nisters:
- 147. 'Ascending up the back of a mountain,
- ' or going privately to a terrace, a bower, a fo-
- ' rest, or a lonely place, without listeners, let him
- ' confult with them unobserved.
- 148. 'That prince, of whose weighty fecrets
- ' all assemblies of men are ignorant, shall attain
- ' dominion over the whole earth, though at first
- ' he possess no treasure.
- 149. 'At the time of consultation, let him
- ' remove the stupid, the dumb, the blind, and the
- ' deaf, talking birds, decrepit old men, women,
- ' and infidels, the diseased and the maimed;
 - 150. 'Since those, who are disgraced in this
- ' life by reason of sins formerly committed, are apt
- to betray fecret council; fo are talking birds;
- ' and fo above all are women: them he must, for
- ' that reason, diligently remove.
 - 151. 'At noon or at midnight, when his fa-
- ' tigues have ceased, and his cares are dispersed,
- · let him deliberate, with those ministers or alone,
- on virtue, lawful pleafure, and wealth;

152. 'On the means of reconciling the ac-'
quisition of them, when they oppose each

other; on bestowing his daughters in marriage,

and on preserving his sons from evil by the best

education;

153. 'On fending ambassadors and messen-'gers; on the probable events of his measures; 'on the behaviour of his women in the private apartment; and on the acts even of his own 'emissaries.'

154. On the whole eightfold business of kings,

relating to the revenue, to their expences, to

the good or bad conduct of their ministers, to

' legislation in dubious cases, to civil and crimi-

'nal justice, and to expiations for crimes, let 'him reslect with the greatest attention; on his

five forts of spies, or active and artful youths,

degraded anchorets, diffressed husbandmen, de-

'cayed merchants, and fictitious penitents,

'whom he must pay and see privately; on the

' good will or enmity of his neighbours, and on

* the flate of the circumjacent countries.

155. On the conduct of that foreign prince,

who has moderate strength equal to one ordi-

' nary foe, but no match for two; on the designs of

' him, who is willing and able to be a conqueror;

on the condition of him, who is pacifick, but a

· match even for the former unallied; and on that of

his natural enemy, let him fedulously meditate:

156. 'Those four powers, who, in one word,

' are the root or principal strength, of the coun-

' tries round him, added to eight others, who are

' called the branches, and are as many degrees of

' allies and opponents variously distinguished, are

' declared to be twelve chief objects of the royal

consideration;

157. And five other heads, namely, their ministers, their territories, their strong holds,

their treasuries, and their armies, being applied

' to each of those twelve, there are in all, toge-

' ther with them, feventy-two foreign objects to

be carefully investigated.

158. Let the king confider as hostile to him

' the power immediately beyond him, and the

· favourer of that power; as amicable, the power

' next beyond his natural foe; and as neutral,

the powers beyond that circle:

159. 'All those powers let him render subser-

' vient to his interest by mild measures and the

other three expedients before mentioned, either

' feparate or united, but principally by valour and

policy in arms and negotiation.

160. 'Let him constantly deliberate on the

' fix measures of a military prince, namely, wag-

' ing war, and making peace or alliance, march-

ing to battle, and fitting encamped, diffribut-

ing his forces, and feeking the protection of a

* more powerful monarch:

161. 'Having considered the posture of af-

fairs, let him occasionally apply to it the mea-

fure of fitting inactive, or of marching to action,

of peace, or of war, of dividing his force, or of

feeking protection.

162. 'A king must know, that there are two

forts of alliance and war; two, of remaining

encamped, and of marching; two, likewise, of

' dividing his army, and of obtaining protection

from another power.

163. The two forts of alliance, attended

with present and future advantages, are held

to be those, when he acts in conjunction with

' his ally, and when he acts apart from him.

164. 'War is declared to be of two forts; when

'it is waged for an injury to himself, and when it

' is waged for an injury to his ally, with a view to

harass the enemy both in season and out of season.

165. 'Marching is of two forts, when destruc-

'tive acts are done at his own pleasure by him-

felf apart, or when his ally attends him.

166. 'The two forts of fitting encamped are,

'first, when he has been gradually weakened by

the divine power, or by the operation of past

fins, and, fecondly, when, to favour his ally, he

remains in his camp.

167. 'A detachment commanded by the king

in perfon, and a detachment commanded by a

egeneral officer, for the purpose of carrying some

- important point, are declared by those, who
- well know the fix measures, to be the two
- ' modes of dividing his army.
 - 168. 'The two modes of feeking protection,
- that his powerful support may be proclaimed in
- ' all countries, are, first, when he wishes to be
- ' fecure from apprehended injury, and, next, when
- ' his enemies actually affail him.
 - 169. 'When the king knows with certainty,
- that at some future time his force will be greatly
- ' augmented, and when, at the time present, he
- ' fustains little injury, let him then have recourse
- ' to peaceful measures;
 - 170. 'But, when he fees all his subjects con-
- 'fiderably firm in strength, and feels himself
 - ' highly exalted in power, let him protect his do-
 - ' minions by war.
 - 171. 'When he perfectly knows his own
- ' troops to be cheerful and well supplied, and
- ' those of his enemy quite the reverse, let him
- ' eagerly march against his foes;
 - 172. But, when he finds himself weak in
- beafts of burden and in troops, let him then fit
- ' quiet in camp, using great attention, and paci-
- ' fying his enemy by degrees.
 - 173. When a king fees his foes stronger in
- sall respects than himself, let him detach a part
- of his army, to keep the enemy anufed, and fe-
- seure his own safety in an inaccessible place;

174. But, when he is in all places affailable by the hostile troops, let him speedily seek the protection of a just and powerful monarch.

175. 'Him, who can keep in subjection both

' his own subjects and his foes, let him constantly footh by all forts of attentive respect, as he

would honour his father, natural or spiritual:

176. 'But if, even in that fituation, he find 'fuch protection a cause of evil, let him alone.

though weak, wage vigorous war without fear.

177. 'By all these expedients let a politick

prince act with fuch wisdom, that neither allies,

' neutral powers, nor foes, may gain over him ' any great advantage.

178. 'Perfectly let him confider the state of

'his kingdom both actually present and probably future, with the good and bad parts of all his

"actions:

179. 'That king shall never be overcome by his enemies, who foresees the good and evil to

enfue from his measures; who, on present oc-

calions, takes his refolution with prudent speed,

' and who weighs the various events of his past

180. 'Let him so arrange all his affairs, that no

' ally, neutral prince, or enemy, may obtain any

' advantage over him: this, in few words, is the

fum of political wifdom.

181. WHEN the king begins his march

· against the domains of his foe, let him gradually · advance, in the following manner, against the

' hostile metropolis.

182. 'Let him set out on his expedition in the fine month of Márgasírsha, or about the month of Phálguna and Chaitra, according to the number of his forces, that he may find autumnal or vernal crops in the country invaded by him:

- 183. 'Even in other feafons, when he has a 'clear prospect of victory, and when any disafter 'has befallen his foe, let him advance with the
- greater part of his army.
- 184. 'Having made a due arrangement of 'affairs in his own dominions, and a disposition 'fit for his enterprise, having provided all things 'necessary for his continuance in the foreign 'realm, and having seen all his spies dispatched

with propriety,

185. 'Having fecured the three fort of ways, over water, on plains, and through forests, and placed his sixfold army, elephants, cavalry, cars, infantry, officers, and attendants, in complete military form, let him proceed by sit journies toward the metropolis of his enemy.

186. 'Let him be much on his guard against 'every secret friend in the service of the hostile 'prince, and against emissaries, who go and revol. v.

'turn; for in such friends he may find very dangerous foes.

187. 'On his march let him form his troops,

either like a staff, or in an even column; like a

' wain, or in a wedge with the apex foremost; like

'a boar, or in a rhomb with the van and rear

'narrow and the centre broad; like a Macara or

· sea monster, that is, in a double triangle with

· apices joined; like a needle, or in a long line; or

· like the bird of VISHNU, that is, in a rhomboid

with the wings far extended:

188. From whatever fide he apprehends

' danger, to that fide let him extend his troops;

' and let him always conceal himself in the midst

of a squadron formed like a lotos flower.

189. Let him cause his generals and the

'chief commander under himself to act in all

quarters; and from whatever fide he perceives

'a design of attacking him, to that side let him 'turn his front.

190, 'On all fides let him station troops of

· foldiers, in whom he confides, distinguished by

'known colours and other marks; who are ex-

cellent both in fustaining a charge and in

· charging, who are fearless and incapable of de-

· fertion.

191. Let him at his pleasure order a few men to engage in a close phalanx, or a large

- number of warriors in loose ranks; and, having
- formed them in a long line like a needle, or in
- three divisions like a thunderbolt, let him give
- orders for battle.
- 192. 'On a plain, let him fight with his
- * armed cars and horses; on watery places, with
- ' manned boats and elephants; on ground full
- of trees and shrubs, with bows; on cleared
- ' ground, with fwords and targets, and other
- weapons.
- 193. 'Men born in Carucshetra, near Indra-
- · prest ba, in Matsya, or Viráta, in Panchála or
- · Cányacubja, and in Súraséna, in the district of
- ' Mat'burà, let him cause to engage in the van;
- 'and men, born in other countries, who are tall
- ' and light.
- 194. 'Let him, when he has formed his
- troops in array, encourage them with short ani-
- " mated Speeches; and then, let him try them
- 'completely: let him know likewise, how his
- 'men feverally exert themselves, while they
- charge the foe.
- 195. 'If he block up his enemy, let him fit
- 'encamped, and lay waste the hostile country;
- 'let him continually spoil the grass, water, and
- wood of the adverse prince.
 - 196. Pools, wells, and trenches let him de-
- ' ftroy: let him harass the foe by day, and alarm
- ' him by night.

197. 'Let him fecretly bring over to his party

all fuch leaders as he can fafely bring over;

let him be informed of all, that his enemies

' are doing; and, when a fortunate moment is

offered by heaven, let him give battle, pushing

on to conquest and abandoning fear:

198. 'Yet he should be more sedulous to re-

duce his enemy by negotiation, by well applied

egifts, and by creating divisions, using either all

or some of those methods, than by hazarding at

any time a decisive action,

199. 'Since victory or defeat are not furely

foreseen on either side, when two armies en-

gage in the field: let the king then, if other ex-

· pedients prevail, avoid a pitched battle;

200. But should there be no means of ap-

· plying the three beforementioned expedients, let

'him, after due preparation, fight fo valiantly,

that his enemy may be totally routed.

201. 'HAVING conquered a country, let him

respect the deities adored in it, and their virtu-

ous priests; let him also distribute largesses to

the people, and cause a full exemption from ter-

rour to be loudly proclaimed.

202. When he has perfectly ascertained

the conduct and intentions of all the vanquished, let him fix in that country a prince

of the royal race, and give him precise in-

· Aructions.

203. 'Let him establish the laws of the con-'quered nation as declared in their books; and 'let him gratify the new prince with gems and 'other precious gifts.

204. 'The feizure of defirable property, though it cause hatred, and the donation of it, though it cause love, may be laudable or blameable on different occasions:

205. All this conduct of human affairs is consi-

' dered as dependent on acts ascribed to the deity,

' and on acts ascribed to men; now the operations

of the deity cannot be known by any intense-

' ness of thought, but those of men may be clearly

' discovered.

206. 'OR the victor, considering an ally, ter-

'ritory, and wealth as the triple fruit of con-

' quest, may form an alliance with the vanquish-

'ed prince, and proceed in union with him,

'ufing diligent circumfpection.

207. 'He should pay due attention to the 'prince, who supported his cause, and to

any other prince in the circumjacent region,

' who checked that supporter, so that, both from

'a well-wisher and from an opponent, he may

' fecure the fruit of his expedition.

208. 'By gaining wealth and territory a

king acquires not fo great an increase

of strength, as by obtaining a firm ally,

who, though weak, may hereafter he powerful.

209. 'That ally, though feeble, is highly esti-

mable, who knows the whole extent of his du-

' ties, who gratefully remembers benefits, whose

' people are fatisfied, or, who has a gentle nature,

who loves his friend, and perseveres in his good

resolutions.

210. 'Him have the fages declared an enemy hard to be fubdued, who is eminently

· learned, of a noble race, personally brave, dex-

trous in management, liberal, grateful, and firm.

211. Goodnature, knowledge of mankind,

valour, benignity of heart, and incessant liberality, are the affemblage of virtues, which

adorn a neutral prince, whose amity must be

courted.

212. 'Even a falubrious and fertile country,

where cattle continually increase, let a king

abandon without hesitation for the sake of pre-

ferving himfelf:

213. Against misfortune, let him preserve

his wealth; at the expence of his wealth,

let him preserve his wife; but let him at all

events preserve himself even at the hazard of

his wife and his riches.

214. 'A wife prince, who finds every fort of calamity rushing violently upon him, should

- ' have recourse to all just expedients, united or
- · feparate:
 - 215. Let him consider the business to be
- ' expedited, the expedients collectively, and
- ' himself who must apply them; and, taking re-
- fuge completely in those three, let him strenu-
- ' oully labour for his own prosperity.
 - 216. HAVING confulted with his mi-
- ' nifters, in the manner before prescribed, on
- ' all this mass of publick affairs; having used ex-
- ercife becoming a warriour, and having bathed
- 'after it, let the king enter at noon his pri-
- vate apartments for the purpole of taking
- food.
 - 217. 'There let him eat lawful aliment, pre-
- ' pared by fervants attached to his person, who
- ' know the difference of times and are incapable
- of perfidy, after it has been proved innocent by
- certain experiments, and hallowed by texts of
- the Vėda repulsive of poison.
- 218. 'Together with all his food let him
- 'fwallow fuch medical fubstances as refist
- 'yenom; and let him constantly wear with
- 'attention fuch gems, as are known to repel
- · it.
 - 219. 'Let his females, well tried and atten-
- 'tive, their dress and ornaments having been
- ' examined, lest some weapon should be concealed

in them, do him humble fervice with fans, water, and perfumes:

220. 'Thus let him take diligent care, when

he goes out in a carriage or on horseback, when

he lies down to rest, when he sits, when he

takes food, when he bathes, anoints his body

with odorous effences, and puts on all his

' habiliments.

221. 'After eating, let him divert himself with

his women in the recesses of his palace; and,

having idled a reasonable time, let him again

think of publick affairs:

222. When he has dreffed himself com-

' pletely, let him once more review his armed

'men, with all their elephants, horses, and cars,

their accoutrements, and weapons.

223. 'At funfet, having performed his religi-

ous duty, let him privately, but well armed, in

his interior apartment, hear what has been done

by his reporters and emissaries:

224. 'Then, having dismissed those informers,

' and returning to another fecret chamber, let him

' go, attended by women, to the inmost recess of

his mansion for the fake of his evening meal;

225. 'There, having a second time eaten a little,

· and having been recreated with mufical strains,

· let him take rest early, and rise refreshed from

his labour.

226. 'This perfect system of rules let a

- king, free from illness, observe; but, when
- ' really afflicted with disease, he may intrust all
- ' these affairs to his officers.'

CHAPTER THE EIGHTH.

On Judicature; and on Law, Private and Criminal.

1. A KING, defirous of inspecting judi-

cial proceedings, must enter his court of jus-

tice, composed and fedate in his demeanour,

together with Bráhmens and counsellors, who

'know how to give him advice:

2. 'There, either fitting or standing, holding

forth his right arm, without oftentation in his

dress and ornaments, let him examine the af-

fairs of litigant parties.

3. ' Each day let him decide causes, one after

'another, under the eighteen principal titles of

· law, by arguments and rules drawn from local

' usages, and from written codes:

4. 'Of those titles, the first is debt, on loans

for confumption; the fecond, deposits, and

'loans for use; the third, sale without owner-

fhip; the fourth, concerns among partners; the

' fifth, subtraction of what has been given;

5. ' The fixth, nonpayment of wages or hire;

- ' the feventh, nonperformance of agreements; the
- ' eighth, rescission of sale and purchase; the ninth,
- ' disputes between master and servant;
 - 6. 'The tenth, contests on boundaries; the
- ' eleventh and twelfth, affault and flander; the
- * thirteenth, larceny; the fourteenth, robbery and
- other violence; the fifteenth, adultery;
 - 7. 'The sixteenth, altercation between man
- f and wife, and their several duties; the seven-
- ' teenth, the law of inheritance; the eighteenth,
- ' gaming with dice and with living creatures:
- these eighteen titles of law are settled as the
- e groundwork of all judicial procedure in this
- world.
 - 8. 'Among men, who contend for the most
- ' part on the titles just mentioned, and on a few
- ' miscellaneous heads not comprised under them,
- ' let the king decide causes justly, observing pri-
- ' meval law;
 - 9. ' But, when he cannot inspect such affairs
- ' in person, let him appoint, for the inspection of
- 'them, a Brábmen of eminent learning:
 - 10. Let that chief judge, accompanied by
- ' three affesfors, fully consider all causes brought
- before the king, and having entered the court-
- room, let him fit or fland, but not move back-
- reards and forwards.
- 11. 'In whatever country three Brahmens,
- f particularly skilled in the three several Vėdas,

- fit together with the very learned Bráhmen ap-
- e pointed by the king, the wife call that affembly
- the court of BRAHMA' with four faces.
 - 12. 'WHEN justice, having been wounded by
- " iniquity, approaches the court, and the judges
- extract not the dart, they also shall be wounded
- . by it.
- 13. 'Either the court must not be entered by judges, parties, and witnesses, or law and truth
- must be openly declared: that man is crimi-
- e nal, who either fays nothing, or fays what is
- false or unjust.
 - 14. 'Where justice is destroyed by iniquity,
- and truth by false evidence, the judges, who
- basely look on without giving redress, shall also
- be destroyed.
- 15. Justice, being destroyed, will destroy;
- being preferved, will preferve: it must never,
- 'therefore, be violated. "Beware, O judge, lest
- "justice, being overturned, overturn both us
- " and thy self."
- 16. The divine form of justice is represented
- as Vrisba, or a bull, and the gods consider him,
- who violates justice, as a Vrisbala, or one who
- flays a bull: let the king, therefore, and his
- ' judges beware of violating justice.
 - 17. 'The only firm friend, who follows men
- ' even after death, is justice: all others are ex-
- s tinct with the body.

18. 'Of injustice in decisions, one quarter falls on the party in the cause; one quarter, on his witnesses; one quarter, on all the judges; and one quarter on the king;

19. 'But where he, who deserves condemnation, shall be condemned, the king is guiltless,

and the judges free from blame: an evil deed

· shall recoil on him, who committed it.

20. A Brahmen supported only by his class, and one barely reputed a Brahmen, but without performing any sacerdotal acts, may, at the king's pleasure, interpret the law to him: so

'may the two middle classes; but a Sudra, in no

case whatever.

21. Of that king, who stupidly looks on, while a Súdra decides causes, the kingdom itself shall be embarrassed, like a cow in deep mire.

22. 'The whole territory, which is inhabited by a number of Súdras, overwhelmed with atheifts, and deprived of Brühmens, must

' fpeedily perish afflicted with dearth and dis-'ease.

23. LET the king or his judge, having feat-

ed himself on the bench, his body properly clothed and his mind attentively fixed, begin

with doing reverence to the deities, who guard

the world; and then let him enter on the trial

of causes:

- 24. 'Understanding what is expedient or inexpedient, but considering only what is law or
- expedient, but confidering only what is law or
- 'not law, let him examine all disputes between parties, in the order of their several classes.
 - 25. ' By external figns let him fee through
- the thoughts of men; by their voice, colour,
- countenance, limbs, eyes, and action:
 - 26. ' From the limbs, the look, the motion of
- ' the body, the gesticulation, the speech, the
- changes of the eye and the face, are disco-
- ' vered the internal workings of the mind.
 - 27. 'THE property of a student and of an
- ' infant, whether by descent or otherwise, let the
- king hold in his custody, until the owner shall
- have ended his studentship, or until his infancy
- ' shall have ceased in his fixteenth year:
 - 28. 'Equal care must be taken of barren wo-
- ' men, of women without sons, whose busbands
- bave married other wives, of women without
- 'kindred, or whose husbands are in distant
- ' places, of widows true to their lords, and of
- ' women afflicted with illness.
- 29. Such kinsmen, as, by any pretence, ap-
- ' propriate the fortunes of women during their
- ' lives, a just king must punish with the severity
- due to thieves.
 - 30. 'Three years let the king detain the pro-
- s perty of which no owner appears, after a dif-
- ' tinet proclamation: the owner, appearing within

the three years, may take it; but, after that term, the king may confiscate it.

31. 'He, who fays "This is mine," must be duly examined; and if, before he inspect it,

' he declare its form, number, and other circum-

' stances, the owner must have his property;

32. 'But, if he show not at what place and 'time it was lost, and specify not its colour, 'shape, and dimensions, he ought to be 'amerced:

33. 'The king may take a fixth part of the 'property so detained by him, or a tenth, or a 'twelfth, remembering the duty of good kings.

34. 'Property lost by one man, and found by another, let the king secure, by committing it

to the care of trustworthy men; and those

whom he shall convict of stealing it, let him

cause to be trampled on by an elephant.

35. 'From the man, who shall fay with 'truth, "This property, which has been kept,

" belongs to me," the king may take a fixth or

' twelfth part, for having secured it;

36. 'But he, who shall say so falsely, may be 'fined either an eighth part of his own property,

or else in some small proportion to the value of

'the goods falfely claimed, a just calculation

' having been made.

37. 'A learned Brahmen, having found a treasure formerly hidden, may take it with-

- out any deduction; fince he is the lord of all;
- 38. 'But of a treasure anciently reposited under ground, which any other subject or the king
- has discovered, the king may lay up half in
- his treasury, having given half to the Bráb-
- 39. 'Of old hoards, and precious minerals
- in the earth, the king is entitled to half by
- reason of his general protection, and because he
- is the lord paramount of the foil.
- 40. 'To men of all classes, the king must re-
- 'ftore their property, which robbers have
- ' seized; fince a king, who takes it for himself,
- 'incurs the guilt of a robber.
- 41. 'A king, who knows the revealed law,
- ' must enquire into the particular laws of classes,
- 'the laws or usages of districts, the customs of
- 'traders, and the rules of certain families, and
- eftablish their peculiar laws, if they be not repug-
- ' nant to the law of GoD;
- 42. 'Since all men, who mind their own cuf-
- tomary ways of proceeding, and are fixed in
- ' the discharge of their several duties, become
- ' united by affection with the people at large,
- ' even though they dwell far afunder.
- 43. 'Neither the king himself nor his officers
- ' must ever promote lifigation; nor ever neglect
- · a lawfuit instituted by others.

- 44. 'As a hunter traces the lair of a wounded
- beaft by the drops of blood; thus let a king
- ' investigate the true point of justice by delibe' rate arguments:
- . 45. 'Let him fully confider the nature of
- ' truth, the state of the case, and his own person;
- and, next, the witnesses, the place, the mode,
- and the time; firmly adhering to all the rules
- of practice:
- 46. 'What has been practifed by good men
- ' and by virtuous Brahmens, if it be not incon-
- fiftent with the legal customs of provinces or
- districts, of classes and families, let him esta-
- · blish.
- 47. 'WHEN a creditor sues before him for
- the recovery of his right from a debtor, let him
- cause the debtor to pay what the creditor shall
- prove due.
- 48. 'By whatever lawful means a creditor
- may have gotten possession of his own pro-
- ' perty, let the king ratify fuch payment by the
- debtor, though obtained even by compulfory
- 'means:
- 49. By the mediation of friends, by fuit in
- court, by artful management, or by diffres, a
- * creditor may recover the property lent; and,
- fifthly, by legal force.
 - 50. That creditor, who recovers his right

from his debtor, must not be rebuked by the

king for retaking his own property.

51. 'In a fuit for a debt, which the defendant denies, let him award payment to the creditor

of what, by good evidence, he shall prove due,

and exact a small fine, according to the circum-

frances of the debtor.

. 52. On the denial of a debt, which the de-

fendant has in court been required to pay, the

plaintiff must call a witness who was present at

the place of the loan, or produce other evidence,

as a note and the like.

53. 'The plaintiff, who calls a witness not present at the place, where the contract was

made, or, having knowingly called him, dif-

claims him as his witness; or who perceives

ont, that he afferts confused and contradictory

facts;

54. 'Or who, having stated what he designs to prove, varies afterwards from his case; or

who, being questioned on a fact, which he had

before admitted, refuses to acknowledge that

very fact;

35. Or who has conversed with the witnesses

in a place unfit for fuch conversation; or who declines answering a question properly put;

or who departs from the court;

56. Or who, being ordered to speak, stands mute; or who proves not what he has alledged;

or who knows not what is capable or incapable for proof; fuch a plaintiff shall fail in that suit.

57. 'Him, who has faid, "I have witnesses,"

and, being told to produce them, produces them

' not, the judge must on this account declare non-

' fuited.

· 58. If the plaintiff delay to put in his plaint,

' he may, according to the nature of the case, be

corporally punished or justly amerced; and, if

'the defendant plead not within three fort-

' nights, he is by law condemned.

59. 'In the double of that fum, which the

' defendant falfely denies, or on which the com-

' plainant falsely declares, shall those two men, 'wilfully offending against justice, be fined by

the king.

60. When a man has been brought into

court by a fuitor for property, and, being called

on to answer, denies the debt, the cause should

be decided by the Brahmen who represents the

' king, having heard three witnesses at least.

61. WHAT fort of witnesses must be pro-

' duced by creditors and others on the trial of

causes, I will comprehensively declare; and in

what manner those witnesses must give true

'evidence.

62. 'Married housekeepers, men with male

'iffue, inhabitants of the same district, either of

the military, the commercial, or the fervile

class, are competent, when called by the party,

' to give their evidence; not any persons indif-

criminately, except in fuch cases of urgency as

will soon be mentioned.

63. Just and sensible men of all the four classes may be witnesses on trials; men, who know

their whole duty, and are free from covetous.

'ness: but men of an opposite character the

iudge must reject.

64. Those must not be admitted who have a pecuniary interest; nor familiar friends; nor menial servants; nor enemies; nor men for-

merly perjured; nor perfons grievously dif-

eased; nor those, who have committed heinous.

· offences.

65. 'The king cannot be made a witness; nor

· cooks, and the like mean artificers; nor publick

dancers and fingers; nor a priest of deep learning in scripture; nor a student in theology;

nor an anchoret fecluded from all worldly con-

enexions;

66. Nor one wholly dependent; nor one of

bad fame; nor one, who follows a cruel occupation; nor one, who acts openly against the

· law; nor a decrepit old man; nor a child;

one man only, unless he be distinguished

for virtue; nor a wretch of the lowest mixed

class; nor one, who has lost the organs of

fense;

- 67. 'Nor one extremely grieved; nor one intoxicated; nor a madman; nor one tormented
- with hunger or thirst; nor one oppressed by
- 'fatigue; nor one excited by lust; nor one in-
- ' flamed by wrath; nor one who has been con-
- ' victed of theft.
 - 68. 'Women should regularly be witnesses for
- women; twiceborn men, for men alike twice-
- born; good fervants and mechanicks, for fer-
- s vants and mechanicks; and those of the lowest
- race, for those of the lowest;
- 69. 'But any person whatever, who has po-
- ' fitive knowledge of transactions in the private
- apartments of a house, or in a forest, or at a
- ' time of death, may give evidence between the
- parties:
 - 70. On failure of witnesses duly qualified,
- evidence may in such cases be given by a wo-
- ' man, by a child, or by an aged man, by a pu-
- 'pil, by a kinsman, by a slave, or by a hired
- fervant;
 - 71. 'Yet of children, of old men, and of the
- diseased, who are all apt to speak untruly, the
- 'judge must consider the testimony as weak;
- and, much more, that of men with disordered
- 'minds:
- 72. 'In all cases of violence, of thest and adul-
- ' tery, of defamation and affault, he must not

examine too strictly the competence of witnesses.

73. 'If there be contradictory evidence, let

the king decide by the plurality of credible wit-

neffes; if equality in number, by superiority in

virtue; if parity in virtue, by the testimony of

fuch twiceborn men, as have best performed

publick duties.

74. 'Evidence of what has been seen, or of what has been heard, as slander and the like,

given by those who saw or heard it, is admis-

fible; and a witness, who speaks truth in those

cases, neither deviates from virtue nor loses his

wealth:

75. 'But a witness, who knowingly says any thing, before an assembly of good men, different

from what he had seen or heard, shall fall head-

Iong, after death, into a region of horrour, and

the debarred from heaven.

76. 'When a man fees or hears any thing,

without being then called upon to attest it, yet,

if he be afterwards examined as a witness, he

must declare it, exactly as it was seen, and as

' it was heard.

77. 'One man, untainted with covetousness

s and other vices, may in some cases be the sole

witness, and will have more weight than many

women becausese male understandings are ap

- to waver; or than many other men, who have
- been tarnished with crimes.
 - 78. What witnesses declare naturally, or
- ' without bias, must be received on trials; but
- ' what they improperly fay, from some unna-
- ' tural bent, is inapplicable to the purposes of
- 'juftice.
 - 79. 'THE witnesses being assembled in the
- " middle of the courtroom, in the presence of the
- e plaintiff and the defendant, let the judge ex-
- amine them, after having addressed them all
- ' together in the following manner:
 - 80. "What ye know to have been trans-
- " acted in the matter before us, between the
- " parties reciprocally, declare at large and with
- "truth; for your evidence in this cause is re-
- " quired."
- 81. ' A witness, who gives testimony with
- truth, shall attain exalted feats of beatitude
- above, and the highest fame here below: such
- testimony is revered by BRAHMA' himself.
 - 82. 'The witness, who speaks falsely, shall be
- fast bound under water, in the fnaky cords of
- · VARUNA, and be wholly deprived of power
- ' to escape torment during a hundred transmigra-
- ' tions; let mankind, therefore, give no false tes-
- ' timony.
 - 83. ' By truth is a witness cleared from fin;
- by truth is justice advanced: truth must,

therefore, be spoken by witnesses of every class.

84. 'The foul itself is its own witness; the foul itself is its own refuge: offend not thy conscious soul, the supreme internal witness of men!

85. 'The finful have faid in their hearts:
"None fees us." Yes; the gods distinctly fee
them; and so does the spirit within their
breasts.

* The guardian deities of the firmament, of the earth, of the waters, of the human heart, of the moon, of the fun, and of fire, of punishment after death, of the winds, of night, of both twilights, and of justice, perfectly know the state of all spirits clothed with bodies.

87. 'In the forenoon let the judge, being pu'rified, feverally call on the twiceborn, being
'purified also, to declare the truth, in the prefence of fome image a fymbol of the divinity,
'and of Brábmens, while the witnesses turn their

faces either to the north or to the east.

88. 'To a Bráhmen he must begin with say-'ing, "Declare;" to a Cshatriya, with saying,

"Declare the truth;" to a Vaifya, with com-

paring perjury to the crime of stealing kine,

grain, or gold; to a Sudra, with comparing it in some or all of the following sentences, to every

crime, that men can commit.

89. "WHATEVER places of torture have "been prepared for the flayer of a priest, for the "murderer of a woman or of a child, for the in-"jurer of a friend, and for an ungrateful man, "those places are ordained for a witness, who "gives false evidence.

90. "The fruit of every virtuous act, which "thou hast done, O good man, since thy birth, "shall depart from thee to dogs, if thou deviate "in speech from the truth.

91. "O friend to virtue, that supreme spirit, "which thou believest one and the same with thyself, resides in thy bosom perpetually, and is an allknowing inspector of thy goodness or of thy wickedness.

92. "If thou beeft not at variance, by Speak"ing falfely, with YAMA, or the subduer of all,
"with VAIVASWATA, or the punisher, with
"that great divinity, who dwells in thy breast, go
"not on a pilgrimage to the river Gangà, nor to
"the plains of Curu, for thou hast no need of
"expiation.

93. "Naked and shorn, tormented with hunger and thirst, and deprived of sight, shall the man, who gives false evidence, go with a "potsherd to beg food at the door of his enemy.
94. "Headlong, in utter darkness, shall the "impious wretch tumble into hell, who, being "interrogated in a judicial inquiry, answers one question falsely.

95. He, who in a court of justice gives an imperfect account of any transaction, or afferts a fact of which he was no eyewitness, shall receive pain instead of pleasure, and resemble a man, who eats fish with eagerness and swallows the sharp bones.

96. "The gods are acquainted with no better mortal in this world, than the man, of whom the intelligent spirit, which pervades his body, has no distrust, when he prepares to give evidence.

97. "Hear, honest man, from a just enumeration in order, how many kinsmen, in evidence of different sorts, a false witness kills, or incurs the guilt of killing:

98. "He kills five by false testimony concerning cattle in general; he kills ten by false testitimony concerning kine; he kills a hundred
by false evidence concerning horses, and a thoufand by false evidence concerning the human
race:

99. "By speaking falsely in a cause concern-"ing gold, he kills the born and the unborn; by "speaking falsely concerning land, he kills every thing animated: beware then of speaking falsely in a cause concerning land!

100. "The fages have held false evidence concerning water, and the possession or enjoyment of women, equal to false evidence concerning land; and it is equally criminal in

" causes concerning pearls and other precious

"things formed in water, and concerning all

" things made of stone.

101. "Marking well all the murders, which

" are comprehended in the crime of perjury, de-

" clare thou the whole truth with precision, as it

" was heard, and as it was feen by thee."

102. Brábmens, who tend herds of cattle,

' who trade, who practife mechanical arts, who

profes dancing and finging, who are hired

fervants or usurers, let the judge exhort and

examine as if they were Súdras.

103. 'In some cases, a giver of false evi-

dence from a pious motive, even though he

6 know the truth, shall not lose a seat in heaven:

' fuch evidence wife men call the speech of the

f gods,

104. 'Whenever the death of a man, who

' had not been a grievous offender, either of the

' fervile, the commercial, the military, or the fa-

cerdotal, class, would be occasioned by true evi-

dence, from the known rigour of the king, even

though the fault arose from inadvertence or errour,

' falsehood may be spoken: it is even preserable

f to truth.

105. 'Such witnesses must offer, as oblations to

'SARASWATI', cakes of rice and milk addressed

to the goddess of speech; and thus will they

fully expiate that venial fin of benevolent falfehood:

106. Or fuch a witness may pour clarified

butter into the holy fire, according to the facred rule, hallowing it with the texts called

'cuspmanda, or with those which relate to VA-

RUNA, beginning with ud; or with the three

texts appropriated to the water-gods.

107. 'A MAN, who labours not under illness, 'yet comesnot to give evidence in cases of loans

and the like, within three fortnights after due

fummons, shall take upon himself the whole

debt, and pay a tenth part of it as a fine to the

* king.

108. 'The witness, who has given evidence,

and to whom, within seven days after, a misfor-

' tune happens from disease, fire, or the death of

a kinfman, shall be condemned to pay the debt

and a fine.

rog. 'In cases, where no witness can be had,

between two parties opposing each other, the

f judge may acquire a knowledge of the truth by

• the oath of the parties; or if he cannot other-

· wise perfectly ascertain it.

110. By the feven great Rishis, and by the

deities themselves, have oaths been taken for

the purpose of judicial proof; and even VA-

· SISHT'HA, being accused by VISWA'MITRA of

- · murder, took an oath before the king SudA'-
- ' MAN, fon of PIYAVANA.
 - 111. Let no man of sense take an oath in
- ' vain, that is, not in a court of justice, on a trifling
- occasion; for the man, who takes an oath in
- ' vain, shall be punished in this life and in the
- e next:
 - 112. 'To women, however, at a time of dal-
- 'liance, or on a proposal of marriage, in the
- case of grass or fruit eaten by a cow, of wood
- taken for a facrifice, or of a promise made for
- the prefervation of a Brahmen, it is no deadly
- ' fin to take a light oath.
 - 113. 'Let the judge cause a priest to swear
- by his veracity; a foldier, by his horfe, or ele-
- ' phant, and his weapons; a merchant, by his
- 'kine, grain, and gold; a mechanick or fervile
- man, by imprecating on his own head, if he
- ' speak falsely, all possible crimes;
- 114. 'Or, on great occasions, let him cause the
- * party to hold fire, or to dive under water, or
- feverally to touch the heads of his children and
- " wife:
 - 115. 'He, whom the blazing fire burns not,
- whom the water foon forces not up, or who
- e meets with no speedy misfortune, must be held
- veracious in his testimony on oath.
 - 116, 'Of the fage VATSA, whom his younger

balf brother formerly attacked, as the son of a fervile woman, the fire, which pervades the world, burned not even a hair, by reason of his perfect veracity.

117. WHENEVER false evidence has been given in any suit, the king must reverse the judgment; and whatever has been done, must be considered as undone.

118. Evidence, given from covetousness, from distraction of mind, from terrour, from friendship, from lust, from wrath, from ignorance, and from inattention, must be held invalid.

* false witness, from either of those motives, I will now propound fully and in order:

'ness, he shall be fined a thousand panas; if through distraction of mind, two bundred and fifty, or the lowest amercement; if through terriour, two mean amercements; if through friendship, four times the lowest;

121. 'If through lust, ten times the lowest americement; if through wrath, three times the next, or middlemost; if through ignorance, two hundred complete; if through inattention, a hundred only.

122. Learned men have specified these pu-

- ' nishments, which were ordained by sage legisla-
- tors for perjured witnesses, with a view to pre-
- 'vent a failure of justice and to restrain iniquity.
 - 123. Let a just prince banish men of the
- three lower classes, if they give false evidence,
- ' having first levied the fine; but a Brahmen let
- ' him only banish.
 - 124. 'MENU, son of the Selfexistent, has
- ' named ten places of punishment, which are ap-
- ' propriated to the three lower classes; but a
- ' Brahmen must depart from the realm unhurt in
- ' any one of them:
 - 125. 'The part of generation, the belly, the
- ' tongue, the two hands, and, fifthly, the two
- feet, the eye, the nofe, both ears, the property,
- ' and, in a capital case, the whole body.
 - 126. Let the king, having confidered and
- ' ascertained the frequency of a similar offence,
- ' the place and time, the ability of the criminal
- to pay or suffer, and the crime itself, cause pu-
- ' nishment to fall on those alone, who deserve it.
 - 127. 'Unjust punishment destroys reputation
- during life, and fame after death; it even ob-
- ftructs, in the next life, the path to heaven: un-
- ' just punishment, therefore, let the king by all
- ' means avoid.
- 128. 'A king, who inflicts punishment on
- · fuch as deserve it not, and inflicts no punish-
- "ment on fuch as deferve it, brings infamy on

himself, while he lives, and shall sink, when he

dies, to a region of torment.

129. First, let him punish by gentle admonition; afterwards, by harsh reproof; thirdly,

by deprivation of property; after that, by cor-

poral pain:

130. 'But, when even by corporal punish-'ment he cannot restrain such offenders, let 'him apply to them all the four modes with 'rigour.

131. Those names of copper, filver, and gold weights, which are commonly used among

men, for the purpose of worldly business, I will

onow comprehensively explain.

132. 'The very fmall mote, which may be discerned in a sunbeam passing through a lattice, is the least visible quantity, and men call it trasarénu:

133. 'Eight of those trasarenus are supposed'
equal in weight to one minute poppyseed;
three of those seeds are equal to one black mustardseed; and three of those last, to a white

mustardseed:

134. Six white mustardseeds are equal to a middle fized barleycorn; three such barleycorns to one ractica, or seed of the Gunja; sive racticas of gold are one masha, and sixteen such

· mashas, one suverna;

135. 'Four suvernas make a pala; ten palas,

' a dharana; but two racticas of filver, weighed 'together, are confidered as one máshaca;

136. 'Sixteen of those máshacas are a silver 'dharana, or purána; but a carsha, or eighty rac- 'ticas, of copper, is called a pana or cárshápana.

137. 'Ten dharanas of filver are known by the name of a satamána; and the weight of four 'suvernas' has also the appellation of a nishca.

138. 'Now two hundred and fifty panas are 'declared to be the first or lowest amercement; 'five hundred of them are considered as the 'mean; and a thousand, as the highest.

139. 'A DEBT being admitted by the defendant, he must pay five in the hundred, as a fine to the king; but, if it be denied and proved, twice as much: this law was enacted by Menu.

'dition to his capital, the interest allowed by 'VASISHT'HA, that is, an eightieth part of a 'hundred, or one and a quarter, by the month, if 'he have a pledge;

141. 'Or, if he have no pledge, he may take 'two in the hundred by the month, remember'ing the duty of good men: for, by thus taking 'two in the hundred, he becomes not a finner for 'gain.

142. 'He may thus take, in proportion to the vol. v. A A



e rish, and in the direct order of the classes, two

in the hundred from a priest, three from a sol-

· dier, four from a merchant, and five from a me-

chanick, or fervile man, but never more, as in-

terest by the month.

143. 'If he take a beneficial pledge, or a pledge

to be used for his profit, he must have no other interest on the loan; nor, after a great length

of time, or when the profits have amounted to

· the debt, can he give or fell fuch a pledge,

· though he may assign it in pledge to another.

144. A pledge to be kept only must not be

used by force, that s against consent: the pawnee so using it must give up his whole in-

terest, or must satisfy the pawner, if it be spoiled

or worn out, by paying him the original price

of it; otherwise, he commits a thest of the

pawn.

145. 'Neither a pledge without limit, nor a

deposit, are lost to the owner by lapse of time:

they are both recoverable, though they have

' long remained with the bailee.

146. 'A milch cow, a camel, a riding horse,

' a bull or other beaft, which has been fent to be

tamed for labour, and other things used with

'friendly affent, are not lost, by length of time to

the owner.

147. 'In general, whatever chattel the owner

- fees enjoyed by others for ten years, while, though prefent, he fays nothing, that chattel he fhall not recover:
- 148. 'If he be neither an idiot, nor an infant 'under the full age of fifteen years, and if the 'chattel be adverfely possessed in a place, where
- 'he may fee it, his property in it is extinct by law, and the adverse possessor shall keep it.
- 149. 'A pledge, a boundary of land, the property of an infant, a deposit either open or in a chest fealed, female slaves, the wealth of a king, and of a learned *Brábmen*, are not lost in consequence of adverse enjoyment.
- 150. 'The fool, who fecretly uses a pledge 'without, though not against, the assent of the 'owner, shall give up half of his interest, as a 'compensation for such use.
- 151. 'INTEREST on money, received at once, once month by month, or day by day, as it ought, must never be more than enough to double the
- debt, that is, more than the amount of the princi-
- ' pal paid at the same time: on grain, on fruit,
- on wool or hair, on beafts of burden, lent to
- be paid in the same kind of equal value, it must
- f not be more than enough to make the debt quintuple.
- 152. 'Stipulated interest beyond the legal' rate, and different from the preceding rule, is

'invalid; and the wife call it an usurous way of lending: the lender is entitled at most to five in the hundred.

153. Let no lender for a month, or for two or three months, at a certain interest, receive such

' interest beyond the year; nor any interest, which

is unapproved; nor interest upon interest by

'previous agreement; nor monthly interest ex-

· ceeding in time the amount of the principal;

' nor interest exacted from a debtor as the price of

the risk, when there is no publick danger or dis-

· tress; nor immoderate profits from a pledge to

' be used by way of interest.

154. 'He, who cannot pay the debt at the

' fixed time, and wishes to renew the contract,

· may renew it in writing, with the creditor's

' affent, if he pay all the interest then due;

155. 'But if, by some unavoidable accident, he

cannot pay the whole interest, he may insert as

' principal in the renewed contract so much of

' the interest accrued as he ought to pay.

156. 'A lender at interest on the risk of safe

carriage, who has agreed on the place and time,

' shall not receive such interest, if by accident the

' goods are not carried to the place, or within the

'time:

157, 'Whatever interest, or price of the risk,

fhall be fettled between the parties, by men well

- 'acquainted with fea voyages or journies by
- ' land, with times and with places, fuch interest
- ' fhall have legal force.
 - 158. 'THE man, who becomes furety for the
- ' appearance of a debtor in this world, and pro-
- ' duces him not, shall pay the debt out of his
- 'own property;
- 159. 'But money, due by a furety, or idly
- ' promised to musicians and actresses, or lost at play,
- ' or due for spirituous liquors, or what remains
- ' unpaid of a fine or toll, the for of the surety or
- · debtor shall not in general be obliged to pay:
 - 160. 'Such is the rule in cases of a surety for
- 'appearance or good behaviour; but, if a furety
- for payment should die, the judge may compel
- ' even his heirs to discharge the debt.
 - 161. 'On what account then is it, that, after
- ' the death of a furety other than for payment,
- ' the creditor may in one case demand the debt
- of the beir, all the affairs of the deceafed being
- ' known and proved?
 - 162. 'If the furety had received money from
- the debtor, and had enough to pay the debt, the
- ' fon of him, who fo received it, shall discharge
- the debt out of his inherited property: this is
- ' a facred ordinance.
 - 163. ' A contract made by a person intoxicat-
- ed or infane, or grievously disordered, or wholly
- ' dependent, by an infant or a decrepit old man

or in the name of another by a person without

' authority, is utterly null.

164. 'That plaint can have no effect, though

it may be supported by evidence, which contains

· a cause of action inconsistent with positive law

or with fettled usage.

165. When the judge discovers a fraudulent

' pledge or sale, a fraudulent gift and acceptance,

or in whatever other case he detects fraud, let

' him annul the whole transaction.

166. 'If the debtor be dead, and if the mo-

'ney borrowed was expended for the use of his

' family, it must be paid by that family, divided

or undivided, out of their own estate.

167. 'Should even a flave make a contract

· in the name of his absent master for the behoof of

' the family, that master, whether in his own

' country or abroad, shall not rescind it.

168. What is given by force to a man who

cannot accept it legally, what is by force en-

' joyed, by force caused to be written, and all

other things done by force or against free con-

' fent, MENU has pronounced void.

169. 'Three are troubled by means of others,

· namely witnesses, sureties, and inspectors of

causes, and four collect wealth slowly, with be-

' nefit to others, a Bráhmen, a moneylender, a

merchant, and a king.

170. Let no king, how indigent foever,

take any thing, which ought not to be taken; nor let him, how wealthy foever, decline taking that, which he ought to take, be it ever fo fmall:

171. 'By taking what ought not to be taken, and by refusing what ought to be received, the king betrays his own weakness, and is lost both in this world and in the next;

172. 'But by taking his due, by administering 'justice, and by protecting the weak, the king 'augments his own force, and is exalted in the 'next world and in this.

173. 'Therefore, let the king, like YAMA, 'refigning what may be pleafing or unpleafing 'to himself, live by the strict rules of YAMA, 'his anger being repressed, and his organs kept

' in subjection.

174. 'That evilminded king, who, through 'infatuation, decides causes with injustice, his 'enemies, through the disaffection of his people,

' quickly reduce to a state of dependence;

175. 'But him, who fubduing both lust and wrath, examines causes with justice, his people

' naturally feek, as rivers the ocean.

176. 'THE debtor, who complains before the

'king, that his creditor has recovered the debt by his own legal act, as beforementioned, shall be

compelled by the king to pay a quarter of the

' fum as a fine, and the creditor shall be left in 'possession of his own.

177. 'Even by perfonal labour shall the debtor pay what is adjudged, if he be of the

fame class with the creditor, or of a lower; but

' a debtor of a higher class must pay it according

to bis income by little and little.

178. 'By this fystem of rules let the king de-

'cide, with equal justice, all disputes between

' men opposing each other, having ascertained

'the truth by evidence or the oaths of the

parties.

179. ' A SENSIBLE man should make a de-

posit with some person of high birth, and of

' good morals, well acquainted with law, habi-

' tually veracious, having a large family, wealthy

and venerable.

180. 'Whatever thing, and in whatever man-

' ner, a person shall deposit in the hands of an-

' other, the same thing, and in the same manner,

'ought to be received back by the owner: as

' the delivery was, so must be the receipt.

181. 'He, who restores not to the depositor,

on his request, what has been deposited, may

first be tried by the judge in the following man-

* ner, the depositor himself being absent.

182. 'On failure of witnesses, let the judge

factually deposit gold, or precious things, with

- ' the defendant by the artful contrivance of spies,
- ' who have passed the age of childhood, and
- ' whose persons are engaging:
 - 183. 'Should the defendant restore that de-
- ' posit in the manner and shape, in which it was
- ' bailed by the spies, there is nothing in his hands,
- ' for which others can justly accuse him;
 - 184. 'But if he restore not the gold, or pre-
- 'cious things, as he ought, to those emissaries,
- ' let him be apprehended and compelled to pay
- ' the value of both deposits: this is a settled rule.
 - 185. 'A deposit, whether fealed up or not,
- ' should never be redelivered, while the depositor
- ' is alive, to his heir apparent or prefumptive:
- both forts of deposits, indeed, are extinct, or
- cannot be demanded by the beir, if the depositor
- ' die, in that case; but not, unless he die, for,
- · should the heir apparent keep them, the depositor
- · himself may sue the bailee:
 - 186. 'But, if a depositary by his own free
- 'act shall deliver a deposit to the heir of a de-
- ' ceased bailor, he must not be harassed with
- ' claims of a fimilar kind, either by the king, or
- by that heir;
 - 187. 'And, if similar claims be made, the king
- ' must decide the questions after friendly admo-
- ' nition, without having recourse to artifice; for,
- ' the honest disposition of the man being proved,
- ' the judge must proceed with mildness.

188. Such is the mode of afcertaining the right in all these cases of a deposit: in the case

of a deposit sealed up, the bailee shall incur no

censure on the redelivery, unless he have altered

' the feal or taken out fomething.

189. 'If a deposit be seized by thieves, or de-

'sfroyed by vermine, or washed away by water,

or confumed by fire, the bailee shall not be ob-

'liged to make it good, unless he took part of

' it for himfelf.

190. 'The defendant, who denies a deposit,

and the plaintiff, who afferts it, let the king try

by all forts of expedients, and by the modes of

ordeal prescribed in the Véda.

191. 'He, who restores not a thing really de-'posited, and he, who demands what he never

bailed, shall both, for a second offence, be pu-

' nished as thieves, if gold, pearls, or the like be de-

' manded; or, in the case of a trifling demand, shall

' pay a fine equal to the value of the thing claimed:

192. 'For the first offence, the king shall

compel a fraudulent depositary, without any

distinction between a deposit under seal or open,

to pay a fine equal to its value.

193. 'That man, who, by false pretences,

egets into his hands the goods of another, shall,

together with his accomplices, be punished by

' various degrees of whipping or mutilation, or

even by death.

194. 'Regularly, a deposit shall be produced, the same in kind and quantity as it was bailed,

by the same and to the same person, by

whom andfr om whom it was received and be-

' fore the same company, who were witnesses to

· the deposit: he who produces it in a different

manner, ought to be fined;

195. 'But a thing, privately deposited, should be privately restored by and to the person, by

and from whom it was received: as the bail-

' ment was, fo should be the delivery, according to

' a rule in the Véda.

196. 'Thus let the king decide causes con-'cerning a deposit, or a friendly loan for use,

without showing rigour to the depositary.

197. 'HIM, who fells the property of another

' man, without the affent of the owner, the

' judge shall not admit as a competent witness,

' but shall treat as a thief, who pretends that he

has committed no theft:

108. 'If, indeed, he be a near kiniman of the

owner, he shall be fined fix hundred panas; but,

'if he be neither his kinfman nor a claimant

under him, he commits an offence equal to

flarceny.

199. 'A gift or fale, thus made by any other

' than the true owner, must, by a settled rule,

be confidered, in judicial proceedings, as not

made.

200. Where occupation for a time shall be proved, but no fort of title shall appear, the fule

cannot be supported: title, not occupation, is ef-

fential to its support; and this rule also is

fixed.

201. 'He, who has received a chattel, by pur-

chase in open market, before a number of men,

' justly acquires the absolute property, by hav-

'ing paid the price of it, if he can produce the

· vendor ;

202. 'But, if the vendor be not producible,

and the vendee prove the publick fale, the latter

· must be dismissed by the king without pu-

' nishment; and the former owner, who lost the

chattel, may take it back on paying the vendee

· balf its value.

203. 'One commodity, mixed with another,

'fhall never be fold as unmixed; nor a bad com-

· modity, as good; nor less than agreed on; nor

' any thing kept at a distance or concealed, lest

· some defect in it should be discovered.

204. 'If, after one damfel has been shown,

' another be offered to the bridegroom, who had

· purchased leave to marry her from her next kins-

' man, he may become the husband of both for

' the fame price: this law MENU ordained.

205. 'The kinfman, who gives a damfel in

' marriage, having first openly told her blemishes,

· whether she be infane, or disordered with ele-

' phantialis, or defiled by connexion with a man,

' shall suffer no punishment.

206. 'IF an officiating priest, actually engaged

' in a facrifice, abandon his work, a share only,

' in proportion to his work done, shall be given

' to him by his partners in the business, out of

· their common pay:

207. 'But, if he discontinue his work without

' fraud, after the time of giving the facrificial

' fees, he may take his full share, and cause what

remains to be performed by another priest.

208. 'Where, on the performance of folemn

' rites, a specifick fee is ordained for each part of

' them, shall he alone, who performs that part,

receive the fee, or shall all the priests take the

' perquifites jointly?

209. ' At some boly rites, let the reader of the

· Yajurvéda take the car, and the Brahmá, or su-

' perintending prieft, the horse; or, on another

· occasion, let the reader of the R gveda take the

' horse, and the chanter of the Samaveda receive

the carriage, in which the purchased materials

of the facrifice had been brought.

210. ' A bundred cows being distributable

· among fixteen priefts, the four chief, or first set,

are entitled to near half, or forty-eight; the next

four, to half of that number; the third fet, to

'a third part of it; and the fourth fet, to a quar-

fter:

211. According to this rule, or in proportion

• to the work, must allotments of shares be given

to men here below, who, though in conjunction,

· perform their feveral parts of the business.

212. 'Should money or goods be given, or

· promised as a gift, by one man to another, who

'asks it for some religious act, the gift shall

be void, if that act be not afterwards per-

formed:

213. 'If the money be delivered, and the re-

ceiver, through pride or avarice, refuse in that

case to return it, he shall be fined one suverna

by the king, as a punishment for his theft.

214. 'Such, as here declared, is the rule or-

dained for withdrawing what has been given:

· I will, next, propound the law for nonpayment

of wages.

215. 'THAT hired fervant or workman, who,

' not from any diforder but from indolence, fails

to perform his work according to his agree-

'ment, shall be fined eight racticas, and his

wages or hire shall not be paid.

216. 'But, if he be really ill, and, when re-

flored to health, shall perform his work accord-

' ing to his original bargain, he shall receive his

' pay even for a very long time:

217. 'Yet, whether he be fick or well, if the

work stipulated be not performed by another for

bim or by himfelf, his whole wages are forfeited,

'though the work want but a little of being com'plete.

218. 'This is the general rule concerning work undertaken for wages or hire: next, I

' will fully declare the law concerning fuch men

' as break their promises.

219. 'THE man, among the traders and other inhabitants of a town or district, who breaks a

' promise through avarice, though he had taken

' an oath to perform it, let the king banish from

' his realm:

220. Or, according to circumstances, let the judge, having arrested the promisebreaker,

' condemn him to pay fix nishcas, or four su-

' vernas, or one satamána of filver, or all three if

be deserve such a fine.

221. 'Among all citizens and in all classes,

'let a just king observe this rule for imposing

fines on men, who shall break their engage-

' ments.

222. 'A MAN, who has bought or fold any

'thing in this world, that has a fixed price, and

' is not perishable, as land or metals, and wishes to

rescind the contract, may give or take back

fuch a thing within ten days;

223. 'But, after ten days, he shall neither

give nor take it back: the giver or the taker,

except by consent, shall be fined by the king fix

' hundred panas.

224. The king himself shall take a fine of

' ninety-fix panas from him, who gives a ble-

mished girl in marriage for a reward, without

avowing her blemish;

225. 'But the man, who, through malignity,

' fays of a damfel, that she is no virgin, shall be

' fined a hundred panas, if he cannot prove her

' defilement.

226. 'The holy nuptial texts are applied

folely to virgins, and no where on earth to

e girls, who have lost their virginity; since those

· women are in general excluded from legal cere-

· monies:

227. 'The nuptial texts are a certain rule in

regard to wedlock; and the bridal contract is

' known by the learned to be complete and irre-

· vocable on the feventh step of the married pair,

· band in band, after those texts have been pro-

· nounced.

228. ' By this law, in all business whatever

' here below, must the judge confine, within the

' path of rectitude, a person inclined to rescind

' his contract of fale and purchase.

229. 'I now will decide exactly, according

' to principles of law, the contests usually arising

from the fault of fuch as own herds of cattle,

' and of fuch as are hired to keep them.

230. 'By day the blame falls on the herdf-

' man; by night on the owner, if the cattle be fed

* and kept in his own house; but, if the place of their food and custody be different, the keeper incurs the blame.

231. 'That hired fervant, whose wages are 'paid with milk, may, with the affent of the 'owner, milk the best cow out of ten: such are 'the wages of herdsmen, unless they be paid in 'a different mode.

232. 'The herdiman himself shall make good the loss of a beast, which through his want of due care has strayed, has been destroyed by reptiles, or killed by dogs, or has died by falling into a pit;

233. 'But he shall not be compelled to make 'it good, when robbers have carried it away, if, 'after fresh proclamation and pursuit, he give 'notice to his master in a proper place and 'feason.

234. 'When cattle die, let him carry to his 'master their ears, their hides, their tails, the skin 'below their navels, their tendons, and the liquor exuding from their foreheads: let him 'also point out their limbs.

235. 'A flock of goats or of sheep being at'tacked by wolves, and the keeper not going to
'repel the attack, he shall be responsible for every
'one of them, which a wolf shall violently kills
236. 'But, if any one of them, while they
'graze together near a wood, and the shepherd
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keeps them in order, shall be suddenly killed by

a wolf springing on it, he shall not in that case

be responsible.

237. On all fides of a village or fmall town,

· let a space be left for pasture, in breadth either

four hundred cubits, or three casts of a large

flick; and thrice that space round a city or

confiderable town:

238. Within that pasture ground, if cattle

do any damage to grain in a field uninclosed

with a hedge, the king shall not punish the

· herdsman.

239. Let the owner of the field enclose it with a hedge of thorny plants, over which a

camel could not look; and let him stop every

' gap, through which a dog or a boar could thrust

his head.

240. 'Should cattle attended by a herdsman,

do mischief near a highway, in an enclosed

field or near the village, he shall be fined a

hundred panas; but against cattle, which have

ono keeper, let the owner of the field fecure it.

241. In other fields, the owner of cattle doing mischief shall be fined one pana and a quarter;

but, in all places, the value of the damaged

grain must be paid: such is the fixed rule con-

& cerning a husbandman.

242. For damage by a cow before ten days

have passed fince her calving, by bulls kept for

- impregnation, and by cattle confecrated to the deity, whether attended or unattended, MENU
- has ordained no fine.
 - 243. 'If land be injured by the fault of the
- farmer himself, as if he fails to sow it in due
- ' time, he shall be fined ten times as much as the
- ' king's share of the crop, that might otherwise
- ' have been raised; but only five times as much,
- 'if it was the fault of his fervants without his
- knowledge.
- 244. These rules let a just prince observe in
- ' all cases of transgression by masters, their cattle,
- and their herdsmen.
 - 245. 'IF a contest arise between two vil-
- 'lages, or landholders, concerning a boundary,
- ' let the king, or bis judge, ascertain the limits
- ' in the month of Jyaisht'ba, when the land-
- ' marks are feen more distinctly.
 - 246. 'When boundaries first are established,
- 'let strong trees be planted on them, Vatas,
- · Pippalas, Palásas, Sálmalis, Sálas, or Tálas;
- or fuch trees (like the Udumbara or Vajradru)
- ' as abound in milk;
 - 247. 'Or clustering shrubs, or Venus of differ-
- ent forts, or Sami-trees, and creepers, or Saras,
- ' and clumps of Cubjacas: and mounds of earth
- ' should be raised on them; so that the land-
- ' mark may not easily perish:

B B 2

248. Lakes and wells, pools and streams, ought also to be made on the common limits, and temples dedicated to the gods.

249. The perfons concerned, reflecting on the perpetual trespasses committed by men here

below through ignorance of boundaries, should

cause other landmarks to be concealed under

ground:

250. Large pieces of stone, bones, tails of cows, bran, ashes, potsherds, dried cowdung,

bricks and tiles, charcoal, pebbles, and fand,

251. And substances of all forts, which the earth corrodes not even in a long time, should

• be placed in jars not appearing above ground on

the common boundary.

252. 'By fuch marks, or by the course of a

ftream, and long continued possession, the

' judge may ascertain the limit between the lands

of two parties in litigation:

253. Should there be a doubt, even on the

' inspection of those marks, recourse must be

' had, for the decision of such a contest, to the

declarations of witnesses.

254. Those witnesses must be examined

concerning the landmarks, in the presence of

'all the townsmen or villagers, or of both the

' contending parties:

255. 'What the witnesses, thus affembled

- and interrogated, shall positively declare con-
- ' cerning the limits, must be recorded in writing,
- ' together with all their names.
- 256. 'Let them, putting earth on their
- ' heads, wearing chaplets of red flowers and
- ' clad in red mantles, be fworn by the reward
- of all their several good actions, to give
- ' correct evidence concerning the metes and
- bounds.
 - 257. 'Veracious witnesses, who give evidence
- 'as the law requires, are absolved from their
- ' fins; but fuch, as give it unjustly, shall each be
- ' fined two hundred panas,
 - 258. 'If there be no witnesses, let four men,
- who dwell on all the four fides of the two vil-
- 'lages, make a decision concerning the boundary,
- being duly prepared, like the witnesses, in the
- ' presence of the king.
 - 259. 'If there be no fuch neighbours on all
- ' fides, nor any men, whose ancestors had lived
- there fince the villages were built, nor other
- ' inhabitants of towns, who can give evidence on
- ' the limits, the judge must examine the follow-
- 'ing men, who inhabit the woods;
 - 260. 'Hunters, fowlers, herdsmen, fishers,
- diggers for roots, catchers of fnakes, gleaners,
- and other foresters:
 - 261. 'According to their declaration, when

they are duly examined, let the king with

precision order landmarks to be fixed on the

boundary line between the two villages.

262. 'As to the bounds of arable fields,

wells or pools, gardens and houses, the testi-

'mony of next neighbours on every fide must be considered as the best means of decision:

263. 'Should the neighbours fay any thing

untrue, when two men dispute about a land-

mark, the king shall make each of those wit-

' nesses pay the middlemost of the three usual

amercements.

264. 'He, who, by means of intimidation,

' shall possess himself of a house, a pool, a field,

or a garden, shall be fined five hundred panas;

but only two hundred, if he trespassed through

signorance of the right.

265. 'If the boundary cannot be otherwise

sascertained, let the king, knowing what is just,

that is, without partiality, and confulting the

future benefit of both parties, mark a bound-

Eine between their lands: this is a fettled law.

266. Thus has the rule been propounded for decifions concerning landmarks: I, next,

will declare the law concerning defamatory

· words.

267. 'A SOLDIER, defaming a priest, shall be fined a hundred panas; a merchant, thus offend.

- 'ing, an hundred and fifty, or two hundred:
- but, for such an offence, a mechanick or servile
- ' man shall be whipped.
 - 268. 'A priest shall be fined five hundred, if
- ' he flander a foldier; twenty-five, if a merchant;
- and twelve, if he flander a man of the fervile class.
- 269. 'For abusing one of the same class, a
- ' twiceborn man shall be fined only twelve; but
- ' for ribaldry not to be uttered, even that and
- every fine shall be doubled.
 - 270. 'A onceborn man, who infults the
- ' twiceborn with gross invectives, ought to have
- ' his tongue slit; for he sprang from the lowest.
- f part of BRAHMA':
 - 271. 'If he mention their name and classes with
- ' contumely, as if he fay " Oh! DE'VADATTA,
- "thourefuse of Brahmens," aniron style, ten fingers
- long, shall be thrust red hot into his mouth.
 - 272. 'Should he, through pride, give inftruc-
- 'tion to priefts concerning their duty, let the
- 'king order fome hot oil to be dropped into his
- ' mouth and his ear.
 - 273. 'He, who falfely denies, through info-
- 'lence, the facred knowledge, the country, the
- class, or the corporeal investiture of a man equal
- ' in rank, shall be compelled to pay a fine of two
- · hundred panas.
 - 274. 'If a man call another blind with one

- 'eye, or lame, or defective in any fimilar way,
- he shall pay the small fine of one pana, even
- though he speak truth.
 - 275. 'Heshallbe fined a hundred, who defames
- ' his mother, his father, his wife, his brother, his
- fon, or his preceptor; and he, who gives not
- ' his preceptor the way.
 - 276. 'For mutual abuse by a priest and a sol-
- dier, this fine must be imposed by a learned
- 'king; the lowest amercement on the priest, and
- the middlemost on the soldier.
 - 277. 'Such exactly, as before mentioned, must
- be the punishment of a merchant and a mecha-
- inick, in respect of their several classes, except
- 'the flitting of the tongue: this is a fixed rule of punishment.
- 278. 'Thus fully has the law been declared for
- 'the punishment of defamatory speech: I will,
- 'next, propound the established law concerning
- 'affault and battery.
 - 279. 'With whatever member a lowborn man
- ' shall assault or hurt a superiour, even that mem-
- ' ber of his must be slit, or cut more or less in pro-
- 'portion to the injury: this is an ordinance of
- MENU.
 - 280. 'He, who raises his hand or a staff
- 'against another, shall have his hand cut; and
- ' he, who kicks another in wrath, shall have an
- sincision made in his foot,

281. ' A man of the lowest class, who shall

* infolently place himself on the same seat with

one of the highest, shall either be banished with

'a mark on his hinder parts, or the king shall

' cause a gash to be made on his buttock:

282. 'Should he spit on him through pride,

' the king shall order both of his lips to be gashed;

' should he urine on him, his penis; should he

break wind against him, his anus.

283. 'If he seize the Brahmen by the locks,

or by the feet, or by the beard, or by the throat,

or by the fcrotum, let the king without helita-

tion cause incisions to be made in his hands.

284. ' If any man fcratch the skin of bis

equal in class, or fetch blood from him, he shall

be fined a hundred panas; if he wound a muf-

cle, fix nisbcas · but, if he break a bone, Let

' him be inftantly banished.

285. 'ACCORDING to the use and value of

sall great trees, must a fine be set for injuring

them: this is an established rule.

286. 'IF a blow, attended with much pain,

be given either to human creatures or cattle,

the king shall inslict on the striker a punishment

* as heavy as the prefumed fuffering.

287. 'In all cases of hurting a limb, wound-

ing, or fetching blood, the affailant shall pay

the expence of a perfect cure; or, on bis

'failure, both full damages and a fine to the fame amount.

288. 'HE, who injures the goods of another,

- whether acquainted or unacquainted with the
- owner of them, shall give fatisfaction to the
- owner, and pay a fine to the king equal to thedamage.
 - 289. 'If injury be done to leather or to lea-
- thern bags, or to utenfils made of wood or clay,
- the fine shall be five times their value.
 - 290. 'THE wife reckon ten occasions, in re-
- gard to a carriage, its driver, and its owner, on
- which the fine is remitted; on other occasions
- 'a fine is ordained by law:
 - 291. 'The nofecord or bridle being cut, by
- ' fome accident without negligence, or the yoke
- being snapped, on a sudden overturn, or run-
- 'ning against any thing without fault, the axle
- being broken, or the wheel cracked;
- 292. On the breaking of the thongs, of the
- halter, or of the reins, and when the driver
- has called aloud to make way, on these occa-
- fions has MENU declared that no fine shall be
- 293. 'But, where a carriage has been over-
- ' turned by the unskilfulness of the driver, there,
- ' in the case of any hurt, the master shall be
- fined two hundred panas.

294. 'If the driver be skilful, but negligent,

' the driver alone shall be fined; and those in

' the carriage shall be fined each a hundred, if

the driver be clearly unskilful.

295. 'Should a driver, being met in the way

by another carriage or by cattle, kill any animal

by bis negligence, a fine shall, without doubt,

' be imposed by the following rule:

296. 'For killing a man, a fine, equal to that

for theft, shall be instantly set; half that

' amount, for large brute animals, as for a bull

or cow, an elephant, a camel, or a horse;

297. 'For killing very young cattle, the fine

'fhall be two hundred panas; and fifty, for ele'gant quadrupeds or beautiful birds, as ante-

· lopes, parrots, and the like;

298. 'For an ass, a goat, or a sheep, the fine

' must be five silver máshas; and one másha, for

' killing a dog or a boar.

299. ' A WIFE, a son, a servant, a pupil, and a

' younger whole brother, may be corrected, when

' they commit faults, with a rope or the small

fhoot of a cane;

300. 'But on the back part only of their bo-

' dies, and not on a noble part by any means:

he, who strikes them otherwise than by this

f rule, incurs the guilt, or shall pay the fine, of a

s thief.

301. 'This law of affault and battery has

- been completely declared: I proceed to deelare the rule for the fettled punishment of theft.
- 302. 'In restraining thieves and robbers, let the king use extreme diligence; fince, by reftraining thieves and robbers, his fame and his ' domain are increased.
- 303. 'Constantly, no doubt, is that king to be ' honoured, who bestows exemption from fear; ' fince he performs, as it were, a perpetual facri-' fice, giving exemption from fear as a constant
- ' facrificial present.
- 304. 'A fixth part of the reward for virtuous ' deeds, performed by the whole people, belongs to ' the king, who protects them; but, if he protect them not, a fixth part of their iniquity lights on him.
- 305. Of the reward for what every subject reads in the Veda, for what he facrifices, for what he gives in charity, for what he performs ' in worship, the king justly takes a fixth part in f consequence of protection.
- 306. 'A king, who acts with justice in de-' fending all creatures, and flays only those, who ' ought to be flain, performs, as it were, each ' day a facrifice with a hundred thousand gifts; 307. 'But a king, who gives no fuch protec-' tion, yet receives taxes in kind or in value,
- market duties and tolls, the small daily presents

for his household, and fines for offences, falls

' directly on his death to a region of horrour.

308. That king, who gives no protection,

' yet takes a fixth part of the grain as his reve-

'nue, wife men have confidered as a prince,

'who draws to him the foulness of all his people.

309. 'Be it known, that a monarch, who ' pays no regard to the scriptures, who denies a

future state, who acts with rapacity, who pro-

'tects not his people, yet swallows up their pos-

' fessions, will fink low indeed after death.

310. 'WITH great care and by three methods

'let him restrain the unjust; by imprisonment,

by confinement in fetters, and by various kinds

or corporal punishment;

311. 'Since, by restraining the bad, and by

encouraging the good, kings are perpetually

' made pure, as the twiceborn are purified by facrificing.

312. 'A KING, who feeks benefit to his own

' foul, must always forgive parties litigant, chil-

dren, old men, and fick persons, who inveigh

* against him:

313. He, who forgives persons in pain,

when they abuse him, shall on that account be

exalted in heaven; but he, who excuses them

' not, through the pride of dominion, shall for

that reason sink into hell.

- 314. 'THE stealer of gold from a priest must
- * run hastily to the king, with loosened hair,
- proclaiming the theft, and adding: "Thus
 - have I finned; punish me."
 - 315. 'He must bear on his shoulder a pestle
- of stone, or a club of c'hadira-wood, or a jave-
- 'lin pointed at both ends, or an iron mace:
 - 316. 'Whether the king strike him with it, or
- dismiss him unhurt, the thief is then absolved
- from the crime; but the king, if he punish him
- onot, shall incur the guilt of the thief.
 - 317. 'The killer of a priest, or destroyer of an
- · embryo, casts his guilt on the willing eater of
- his provisions; an adulterous wife, on her neg-
- · ligent husband; a bad scholar and sacrificer, on
- their ignorant preceptor; and a thief, on the
- · forgiving prince:
 - 318. 'But men, who have committed offences,
- * and have received from kings the punishment
- due to them, go pure to heaven, and become as
- clear as those, who have done well.
 - 319. 'HE, who steals the rope or the waterpot
- from a well, and he, who breaks down a ciftern,
- 's shall be fined a massa of gold; and that, which
- be bas taken or injured, he must restore to its
- · former condition.
 - 320. Corporal punishment shall be inflicted
- on him, who steals more than ten cumbbas of
- ' grain (a cumbba is twenty dronas, and a drona,

- 'two hundred palas): for less he must be fined
- ' eleven times as much, and shall pay to the
- ' owner the amount of his property.
 - 321. 'So shall corporal punishment be in-
- · flicted for stealing commodities usually fold by
- ' weight, or more than a hundred head of cattle,
- or gold, or filver, or coftly apparel:
- 322. 'For stealing more than fifty palas, it
- ' is enacted that a hand shall be amputated; for
- 'lefs, the king shall set a fine eleven times as much
- as the value.
 - 323. 'For stealing men of high birth, and
- ' women above all, and the most precious gems,
- ' as diamonds or rubies, the thief deserves capital
- ' punishment.
- 324. 'For stealing large beafts, weapons, or
- ' medicines, let the king inflict adequate punish-
- ' ment, confidering the time and the act.
 - 325. 'For taking kine belonging to priests,
- ' and boring their nostrils, or for stealing their
- other cattle, the offender shall instantly lose half
- of one foot.
 - 326. 'For stealing thread, raw cotton, mate-
- ' rials to make spirituous liquor, cowdung, me-
- ' lasses, curds, milk, buttermilk, water, or grafs,
 - 327. Large canes, baskets of canes, falt of
- every kind, earthenpots, clay or ashes,
- 328. 'Fish, birds, oil, or clarified butter, flesh-
- ' meat, honey, or any thing, as leather, born, or
- ivory, that came from a beaft,

329. Or other things not precious, or spiri-

· tuous liquors, rice dreffed with clarified butter,

or other messes of boiled rice, the fine must be

twice the value of the commodity stolen.

330. For stealing as much as, a man can carry

of flowers, green corn, shrubs, creepers, small

trees, or other vegetables, enclosed by a hedge,

• the fine shall be five racticas of gold or filrecovered lessely in the

ver:

331. But for corn, potherbs, roots, and fruit,

unenclosed by a fence, the fine is a hundred

panas, if there be no fort of relation between the

taker and owner; or half a hundred, if there be

fuch relation.

332. ' If the taking be violent, and in the fight of the owner, it is robbery; if privately

in his absence, it is only thest; and it is con-

fidered as theft, when a man, having received

any thing, refuses to give it back.

333. On him, who steals the beforementioned

· things, when they are prepared for use, let the

king fet the lowest amercement of the three;

and the fame on him, who steals only fire from

the temple.

334. With whatever limb a thief commits

the offence by any means in this world, as if

he break a wall with his band or his foot, even

' that limb shall the king amputate, for the pre-

vention of a similar crime.

335. 'NEITHER a father, nor a preceptor, nor.

'a friend, nor a mother, nor a wife, nor a fon, 'nor a domestick priest, must be left unpunished

nor a dometrick priest, must be lest appuninged

by the king, if they adhere not with firmness to their duty.

336. 'WHERE another man of lower birth would be fined one pana, the king shall be fined a thousand, and he shall give the fine to the priests, or cast it into the river: this is a facred rule.

337. 'But the fine of a Súdra for theft shall be 'eightfold; that of a Vaifya, fixteenfold; that of a Chatriya, two and thirtyfold.

338. 'That of a Brahmen, four and fixtyfold, 'or a hundredfold complete, or even twice four 'and fixtyfold; each of them knowing the nature of his offence.

339. The taking of roots, and fruit from a a large tree, in a field or a forest unenclosed, or of wood for a sacrificial fire, or of grass to be eaten by cows, Menu has pronounced no thest.

340. 'A PRIEST who willingly receives any thing, either for facrificing or for instructing, from the hand of a man, who had taken what the owner had not given, shall be punished even as the thief.

341. 'A twiceborn man, who is travelling, and whose provisions are scanty, shall not be vot. v.

- 'fined, for taking only two fugar canes, or
- two esculent roots, from the field of another man.
- 342. 'He, who ties the unbound, or loofes
- ' the bound, cattle of another, and he, who takes
- a flave, a horfe, or a carriage without permission, shall be punished as for theft.
 - 343. 'A king, who, by enforcing these laws,
- restrains men from committing theft, acquires
- 'in this world fame, and, in the next, beatitude.
- 344. LET not the king, who ardently de-
- ' fires a feat with INDRA, and wishes for glory,
- ' which nothing can change or diminish, endure
- for a moment the man, who has committed
- ' atrocious violence, as by robbery, arfon, or ho-
- · micide.
- 345. 'He, who commits great violence,
- · must be considered as a more grievous offender
- ' than a defamer, a thief, or a striker with a staff:
 - 346. 'That king, who endures a man con-
- 'victed of fuch atrocity, quickly goes to perdi-
- ' tion and incurs publick hate.
- 347. 'Neither on account of friendship, nor
- for the fake of great lucre, shall the king dif-
- ' miss the perpetrators of violent acts, who spread
- ' terrour among all creatures.
- 348. 'The twiceborn may take arms, when
- 'their duty is obstructed by force; and when,

' in fome evil time, a difaster has befallen the ' twiceborn classes;

349. 'And in their own defence; and in a 'war for just cause; and in defence of a woman 'or a priest: he, who kills justly, commits no 'crime.

350. 'Let a man, without hesitation, slay another, if be cannot otherwise escape, who as-fails him with intent to murder, whether young

or old, or his preceptor, or a Brabmen deeply

' versed in the scripture.

351. 'By killing an affaffin, who attempts to 'kill, whether in publick or in private, no crime 'is committed by the flayer: fury recoils upon 'fury.

352. 'MEN, who commit overt acts of adulterous inclinations for the wives of others, let the king banish from his realm, having puinshed them with such bodily marks, as excite aversion;

353. 'Since adultery causes, to the general 'ruin, a mixture of classes among men: thence 'arises violation of duties; and thence is the 'root of selicity quite destroyed.

354. 'A man, before noted for fuch an offence, who converses in secret with the wife of another, shall pay the first of the three usual americements;

355. 'But a man, not before noted, who thus

- converses with her for some reasonable cause,
- 's shall pay no fine; fince in him there is no trans-

gression.

- 356. 'He, who talks with the wife of an-
- other man at a place of pilgrimage, in a forest or
- 'a grove, or at the confluence of rivers, incurs
- ' the guilt of an adulterous inclination:
 - 357. 'To fend her flowers or perfumes, to
- ' fport and jest with her, to touch her apparel
- and ornaments, to fit with her on the fame
- couch, are all held adulterous acts on his part.
 - 358, 'To touch a married woman on ber
- ' breasts or any other place, which ought not to
- be touched, or, being touched unbecomingly
- by her, to bear it complacently, are adulterous
- ' acts with mutual affent.
- 359. 'A man of the fervile class, who com-
- ' mits actual adultery with the wife of a priest,
- ought to fuffer death: the wives, indeed, of
- all the four classes must ever be most especially
- ' guarded.
- 360. 'Mendicants, encomiasts, men prepared
- ' for a facrifice, and cooks and other artifans,
- ' are not prohibited from speaking to married
- women.
 - 361. 'Let no man converse, after he has been
- ' forbidden, with the wives of others: he, who
- thus converses, after a busband or father bas
- forbidden him, shall pay a fine of one fuverna.

362. 'These laws relate not to the wives of publick dancers or singers, or of such base men,

'as live by intrigues of their wives; men who

either carry women to others, or, lying con-

· cealed at home, permit them to hold a culpable

'intercourse:

363. 'Yet he, who has a private connexion 'with fuch women, or with fervant girls kept

by one master, or with female anchorets of an

" beretical religion, shall be compelled to pay a

fmall fine.

364. 'He, who vitiates a damfel without her

' consent, shall suffer corporal punishment in-

' flantly; but he, who enjoys a willing damfel,

' shall not be corporally punished, if his class be

' the fame with hers.

365. 'From a girl, who makes advances to

' a man of a high class, let not the king take the

' fmallest fine, but her, who first addresses a low

' man, let him constrain to live in her house well

' guarded.

366. 'A low man, who makes love to a

' damsel of high birth, ought to be punished cor-

' porally; but he, who addresses a maid of equal

' rank, shall give the nuptial present and marry

ber, if her father please.

367. 'OF the man, who through infolence

forcibly contaminates a damfel, let the king

instantly order two fingers to be amputated,

'and condemn him to pay a fine of fix hundred 'panas:

368. 'A man of equal rank, who defiles a

confenting damfel, shall not have his fingers

' amputated, but shall pay a fine of two hundred

' panas, to restrain him from a repetition of his

offence.

369. 'A damsel, polluting another damsel,

' must be fined two hundred panas, pay the

' double value of her nuptial prefent, and receive

ten lashes with a whip;

370. 'But a woman, polluting a damfel, shall

' have her head instantly shaved, and two of her

fingers chopped off; and shall ride, mounted

on an ass, through the publick street.

371. 'SHOULD a wife, proud of her family

and the great qualities of her kinfmen, actually

violate the duty, which she owes to her lord,

· let the king condemn her to be devoured by

dogs in a place much frequented;

372. 'And let him place the adulterer on an

iron bed well heated, under which the execu-

'tioners shall throw logs continually, till the fin-

' ful wretch be there burned to death.

373. 'OF a man, once convicted, and a year

after guilty of the same crime, the fine must be

'doubled; so it must, if he be connected with

' the daughter of an outcast or with a Chándálí

e woman.

374. 'A mechanick or fervile man, having

an adulterous connexion with a woman of a

' twice-born class, whether guarded at home or

' unguarded, shall thus be punished: if she was

' unguarded, be shall lose the part offending, and

' his whole substance; if guarded, and a priestess,

every thing, even bis life.

375. 'For adultery with a guarded priestess, a

merchant shall forfeit all his wealth after impri-

fonment for a year; a foldier shall be fined a

thousand panas, and be shaved with the urine

of an ass;

376. 'But, if a merchant or foldier commit

'adultery with a woman of the facerdotal class,

'whom her husband guards not at home, the

' king shall only fine the merchant five hundred,

' and the foldier a thousand:

377. 'Both of them, however, if they com-

· mit that offence with a priestess not only guarded

' but eminent for good qualities, shall be punished

' like men of the servile class, or be burned in a

' fire of dry grass or reeds.

378. ' A Bráhmen, who carnally knows a

' guarded woman without her free will, must be 'fined a thousand panas; but only five hundred

' if he knew her with her free consent.

379. 'Ignominious tonfure is ordained, in-

flead of capital punishment, for an adulterer of

the priestly class, where the punishment of

· ther classes may extend to loss of life.

380. 'Never shall the king slay a Brahmen,

- 'though convicted of all possible crimes: let
- him banish the offender from his realm; but
- with all his property fecure and his body un-
- · hurt:
 - 381. 'No greater crime is known on earth
- ' than flaying a Brabmen; and the king, there-
- ' fore, must not even form in his mind an idea
- ' of killing a prieft.
 - 382. 'If a merchant converse criminally
- with a guarded woman of the military, or a
- ' soldier with one of the mercantile, class, they
- both deferve the fame punishment as in the
- case of a priestess unguarded:
 - 383. ' But a Brábmen, who shall commit
- · adultery with a guarded woman of those two
- classes, must be fined a thousand panas; and,
- for the like offence with a guarded woman
- of the fervile class, the fine of a foldier or a
- · merchant shall be also one thousand.
 - 384. 'For adultery with a woman of the mi-
- s litary class, if unguarded, the fine of a mer-
- chant is five hundred; but a foldier, for the
- ' converse of that offence, must be shaved with
- ' urine, or pay the fine just mentioned.
 - 385. 'A priest shall pay five hundred panas,

- * if he connect himself criminally with an un-
- guarded woman of the military, commercial, or
- fervile class; and a thousand, for such a connexion
- with a woman of a vile mixed breed.
 - 386. 'THAT king, in whose realm lives no
- ' thief, no adulterer, no defamer, no man guilty
- of atrocious violence, and no committer of af-
- faults, attains the mansion of SACRA.
 - 387. 'By suppressing those five in his domi-
- 5 nion, he gains royalty paramount over men of
- the fame kingly rank, and spreads his fame
- through the world.
 - 388. 'THE facrificer, who forfakes the offi-
- ciating priest, and the officiating priest, who
- ' abandons the facrificer, each being able to do
- his work, and guilty of no grievous offence,
- must each be fined a hundred panas.
 - 389. A mother, a father, a wife, and a fon
- ' shall not be forsaken: he, who forsakes either
- of them, unless guilty of a deadly sin, shall pay
- ' fix hundred panas as a fine to the king.
- 300. LET not a prince, who feeks the good
- of his own foul, bastily and alone pronounce
- ' the law, on a dispute concerning any legal ob-
- fervance, among twiceborn men in their feveral orders;
- 391. 'But let him, after giving them due honour according to their merit, and, at first, hav-

ing foothed them by mildness, apprise them of

' their duty with the affistance of Brábmens.

392. 'THE priest, who gives an entertainment

to twenty men of the three first classes, without

' inviting his next neighbour, and his neighbour

e next but one, if both be worthy of an invita-

' tion, shall be fined one másha of silver.

393. 'A Brábmen of deep learning in the

· Véda, who invites not another Bráhmen, both

'learned and virtuous, to an entertainment given

on some occasion relating to his wealth, as the

· marriage of bis child, and the like, shall be made

to pay him twice the value of the repast, and

· be fined a másha of gold.

394. 'NEITHER a blind man, nor an idiot,

onor a cripple, nor a man full feventy years

old, nor one who confers great benefits on

' priefts of eminent learning, shall be compelled

by any king to pay taxes.

395. 'Let the king always do honour to a

learned theologian, to a man either fick or

e grieved, to a little child, to an aged or indigent

' man, to a man of exalted birth, and to a man

of diffinguished virtue.

396. 'LET a washerman wash the clothes of

' bis employers by little and little, or piece by piece,

' and not bastily, on a smooth board of Sálmali-

'wood: let him never mix the clothes of one

* person with the clothes of another, nor suffer any but the owner to wear them.

397. LET a weaver, who has received ten palas of cotton-thread, give them back increased

to eleven by the rice-water and the like used in

weaving: he, who does otherwise, shall pay a

fine of twelve panas.

398. 'As men versed in cases of tolls, and ac-

quainted with all marketable commodities, shall

eftablish the price of saleable things, let the king

take a twentieth part of the profit on sales at

that price.

399. 'Of the trader, who, through avarice,

exports commodities, of which the king justly

claims the preemption, or on which he has laid

an embargo, let the fovereign confiscate the

whole property.

400. 'Any seller or buyer, who fraudulently

passes by the toll office at night or any other

improper time, or who makes a false enumeration of the articles bought, shall be fined eight

times as much as their value.

401. 'Let the king establish rules for the sale

and purchase of all marketable things, having

duly confidered whence they come, if imported;

and, if exported, whither they must be sent;

how long they have been kept; what may be

' gained by them; and what has been expended

on them.

402. Once in five nights, or at the close of every half month, according to the nature of the

commodities, let the king make a regulation for

market prices in the presence of those expe-

' rienced men:

403. Let all weights and measures be well ascertained by him; and once in six months let him re-examine them.

404. 'The toll at a ferry is one pana for an

empty cart; half a pana, for a man with a

' load; a quarter, for a beast used in agriculture,

or for a woman; and an eighth, for an un-

· loaded man.

405. Waggons, filled with goods packed up,

fhall pay toll in proportion to their value; but

for empty vessels and bags, and for poor

men ill-apparelled, a very small toll shall be

demanded.

406. 'For a long passage, the freight must

be proportioned to places and times; but

this must be understood of passages up and

down rivers: at fea there can be no fettled

freight.

407. A woman, who has been two months

' pregnant, a religious beggar, a forester in the

' third order, and Bráhmens, who are students in

'theology, shall not be obliged to pay toll for

their passage.

408. 'Whatever shall be broken in a boat, by

the fault of the boatmen, shall be made good

by those men collectively, each paying his portion.

409. 'This rule, ordained for fuch as pass

rivers in boats, relates to the culpable neglect

of boatmen on the water: in the case of inevi-

'table accident, there can be no damages re-

410. 'THE king should order each man of the

' mercantile class to practise trade, or money-

lending, or agriculture and attendance on

cattle; and each man of the servile class to act

' in the service of the twiceborn.

411. 'Both him of the military, and him of the'

commercial class, if distressed for a livelihood,

'let fome wealthy Bráhmen support, obliging

' them without harshness to discharge their sc-

' veral duties.

412. 'A Brábmen, who, by his power and

' through avarice, shall cause twiceborn men,

' girt with the facrificial thread, to perform fer-

' vile acts, such as washing his feet, without their

' confent, shall be fined by the king fix hundred

panas;

413. 'But a man of the servile class, whether

' bought or unbought, he may compel to perform

' fervile duty; because such a man was created

by the Self-existent for the purpose of serving

· Brábmens:

414. 'A Súdra, though emancipated by his

mafter, is not released from a state of servitude;

for of a state, which is natural to him, by whom

can he be divefted?

415. 'THERE are fervants of feven forts;

one made captive under a standard or in battle,

one maintained in confideration of service, one born of a female flave in the house, one fold, or

given, or inherited from ancestors, and one en-

· flaved by way of punishment on his inability to

· pay a large fine.

416. 'Three persons, a wife, a son, and a slave,

are declared by law to have in general no wealth

exclusively their own: the wealth, which they

' may earn, is regularly acquired for the man, to

whom they belong.

417. ' A Bráhmen may feize without hesita-

tion, if be be distressed for a subsistence, the

goods of his Súdra flave; for, as that flave can

have no property, his mafter may take his

goods.

418. 'With vigilant care should the king ex-

ert himself in compelling merchants and me-

chanicks to perform their respective duties;

for, when such men swerve from their duty,

they throw this world into confusion.

419. Day by day must the king, though en-

s gaged in forensick business, consider the great

objects of publick measures, and inquire into the

- ' state of his carriages, elephants, borses, and cars,
- 'his constant revenues and necessary expenses,
- ' his mines of precious metals or gems, and his
- 'treasury:
 - 420. 'Thus, bringing to a conclusion all these
- weighty affairs, and removing from his realm
- ' and from bimfelf every taint of fin, a king
- ' reaches the supreme path of beatitude.'

END OF THE FIFTH VOLUME.

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